

**Combined Third and
Fourth Reports of the
People's Republic of
China under the
Convention on the Rights
of the Child –
Part Two: Hong Kong
Special Administrative
Region**

**Second Report of the Hong Kong
Special Administrative Region
under the Convention on the
Rights of the Child**

Content

Second report of the Hong Kong Special Administrative Region under the Convention on the Rights of the Child

Paragraph

Introduction

Part I	General Profile of the Hong Kong Special Administrative Region
---------------	---

General political structure	3
General legal framework within which human rights are protected	10
Information and publicity	13

Part II	Implementation of the Convention in the Hong Kong Special Administrative Region
----------------	--

Chapter I General measures of implementation

A. Concluding observations – follow up	
<i>Article 4 – Implementation of rights</i>	17
<i>Articles 42 and 44 – Dissemination of the Convention and reporting</i>	50
B. Comprehensive programmes – monitoring	61
C. Allocation of budgetary and other resources	71
D. Statistical data	72
E. Factors and difficulties	73

Chapter II Definition of “the child”

A. Updates and developments	80
B. Statistical data	90

	<u>Paragraph</u>
Chapter III	General principles
A.	Concluding observations – follow up
	<i>Article 2 – Non-discrimination</i> 92
	<i>Article 3 – Best interests of the child</i> 105
	<i>Article 12 – Respect for views of the child</i> 111
B.	Comprehensive programmes – monitoring
	<i>Article 2 – Non-discrimination</i> 126
	<i>Article 6 – Right to life, survival and development</i> 135
C.	Allocation of budgetary and other resources 143
D.	Statistical data
	<i>Article 6 – Right to life, survival and development</i> 144
	<i>Article 12 – Respect for views of the child</i> 145
E.	Factors and difficulties 146
Chapter IV	Civil rights and freedoms
A.	Concluding observations – follow up
	<i>Article 37(a) – The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment</i> 148
B.	Comprehensive programmes - monitoring
	<i>Articles 7 and 8 – Name and nationality and preservation of identity</i> 152
	<i>Article 13 – Freedom of expression</i> 154

	<u>Paragraph</u>
<i>Article 14 – Freedom of thought, conscience and religion</i>	155
<i>Article 15 – Freedom of association and of peaceful assembly</i>	159
<i>Article 16 – Protection of privacy</i>	160
<i>Article 17 – Access to appropriate information</i>	163
<i>Article 37(a) – The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment</i>	179
C. Statistical data	182
D. Factors and difficulties	185
Chapter V	
Family environment and alternative care	
A. Concluding observations – follow-up	
<i>Article 10 – Family unification</i>	186
<i>Article 21 – Adoption</i>	188
<i>Article 19 – Abuse and neglect</i>	189
B. Comprehensive programmes – monitoring	
<i>Articles 5, 18(1) and 18(2) – Parental guidance and parental responsibilities</i>	217
<i>Article 9 – Separation from parents</i>	237
<i>Article 10 – Family reunification</i>	246
<i>Article 27(4) – Recovery of maintenance for the child</i>	253
<i>Article 20 – Protection of children deprived of a family environment</i>	256
<i>Article 21 – Adoption</i>	258

	<u>Paragraph</u>
<i>Article 11 – Illicit transfer and non-return</i>	266
<i>Article 25 – Periodic review of placement</i>	269
C. Allocation of budgetary and other resources	271
D. Statistical data	
<i>Articles 5, 18(1) and 18(2) – Family support</i>	272
<i>Article 10 – Family reunification</i>	275
<i>Article 11 – Illicit transfer and non-return</i>	276
<i>Articles 19 and 39 – Abuse and neglect, including physical and psychological recovery and social reintegration</i>	277
E. Factors and difficulties	278
Chapter VI Basic health and welfare	
A. Concluding observations – follow-up	
<i>Article 24 – Health and health services</i>	279
<i>Article 27(1) and (3) – Standard of living</i>	328
B. Comprehensive programmes – monitoring	
<i>Article 6(2) – Survival and development</i>	353
<i>Article 23 – Children with disabilities</i>	363
<i>Article 24 – Health and health services</i>	374
<i>Article 26 and 18(3) – Social security and childcare services and facilities</i>	390

	<u>Paragraph</u>
<i>Article 27(1) to (3) – Standard of living</i>	391
C. Allocation of budgetary and other resources	396
D. Statistical data	
<i>Article 23 – Children with disabilities</i>	399
<i>Article 24 – Health and health services</i>	402
<i>Article 26 – Social security</i>	408
<i>Article 27 – Standard of living</i>	409
E. Factors and difficulties	410
Chapter VII Education, leisure and cultural activities	
A. Concluding observations – follow-up	
<i>Article 28 – Education, including vocational training and guidance</i>	411
B. Comprehensive programmes – monitoring	
<i>Article 28 – Education, including vocational training and guidance</i>	438
<i>Article 29 – Aims of education</i>	494
<i>Article 31 – Leisure, recreation and cultural activities</i>	502
C. Allocation of budgetary and other resources	521
D. Statistical data	523
Chapter VIII Special protection measures	
A. Concluding observations – follow-up	
<i>Article 22 – Refugee children</i>	525

	<u>Paragraph</u>
<i>Articles 34 to 36 – Exploitation (including sexual exploitation and sexual abuse; and sale, trafficking and abduction)</i>	526
<i>Articles 40 and 37(a) – The administration of juvenile justice and the sentencing of juveniles</i>	542
<i>Article 37(b) to (d) – Children deprived of their liberty</i>	558
B. Comprehensive programmes – monitoring	
(a) Children in situations of emergency – Articles 22, 38 and 39	
<i>Article 22 – Refugee children</i>	570
<i>Articles 38 and 39 – Children in armed conflicts; and physical and psychological recovery and social reintegration of such children</i>	573
(b) Children in conflict with the law – Articles 37, 39 and 40	
<i>Articles 37(b) to (d) and 40 – Children deprived of their liberty and the administration of juvenile justice</i>	575
<i>Article 39 – Physical and psychological recovery and social reintegration</i>	586
(c) Children in situations of exploitation, including physical and psychological recovery and social reintegration – Articles 32 to 36 and 39	
<i>Article 32 – Economic exploitation, including child labour</i>	590
<i>Article 33 – Drug abuse</i>	595

	<u>Paragraph</u>
<i>Article 34 – Sexual exploitation and sexual abuse</i>	622
<i>Article 39 – Physical and psychological recovery and social integration</i>	625
(d) Children belonging to minority or indigenous groups – Article 30	626
C. Allocation of budgetary and other resources	
<i>Article 33 – Drug abuse</i>	628
D. Statistical data	
<i>Article 22 – Refugee children</i>	630
<i>Article 40 – The administration of juvenile justice</i>	631
<i>Article 37(b) to (d) – Children deprived of their liberty</i>	633
<i>Article 32 – Economic exploitation, including child labour</i>	635
<i>Article 33 – Drug abuse</i>	636
<i>Article 34 – Sexual exploitation and sexual abuse</i>	640
E. Factors and difficulties	643
Chapter IX Reservations and Declarations	
A. Updates and developments	656

Annexes	<u>Paragraph referred to</u>
----------------	------------------------------

1	Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: Subject areas relevant to the Convention under the Programme of Action – Position of the HKSAR	104
2	Definitions of various forms of disability of students requiring additional support services	455
3	Sexual offence provisions that have extra-territorial effect under Schedule 2 of the Crimes Ordinance (Cap. 200)	536
4	Rehabilitation Centres	588

Tables	<u>Page</u>
---------------	-------------

1	Children-related expenditure on education in 2003-04 and 2008-09	14
2	Expenditure on medical and health services for children in 2007-08 to 2009-10	23
3	Training provided on the Convention for professionals working with and for children	24
4	The percentages of children under 18 in the total population in 1996, 2001 and 2006-08	30
5	Expenditure on programmes relating to equal opportunities in 2007-08 to 2009-10	48
6	Crude birth and death rates in 1996, 2001 and 2005-08	48
7	Infant mortality ratio in 1996, 2001 and 2005-08	49

Tables		<u>Page</u>
8	Maternal mortality ratio in 1996, 2001 and 2005-08	49
9	Fertility rate in 1996, 2001 and 2005-08	49
10	Number of death of those under 18 due to various reasons in 2005-08	49
11	Total number of registered births in 2004-08	63
12	Number of public meetings and public processions in 2005-08	64
13	Number of society registration and exemption from society registration in 2005-08	64
14	Provision and utilisation of day child care service	98
15	Hague Convention child abduction cases processed by the HKSAR Central Authority	99
16	Categories of child abuse case in 2005-08	100
17	Abuser's relationship with the victims in child abuse cases in 2005-08	100
18	Programme of immunisation	135
19	Coverage rate for different vaccines in 2000-03	136
20	Overview of number of children with disabilities	143
21	Children with disabilities by type of disability	143
22	Places on children with disabilities aged six or below in 2000 and 2008	145
23	Provision of school places in special schools for children with disabilities	145
24	Students with SEN studying in public sector ordinary schools in 2006-07 to 2008-09	146

Tables		<u>Page</u>
25	Proportion newborns with low birth weight in 2004-08	146
26	Percentage of children underweight and stunting at the ages of six months, one year and three years	147
27	Detection rates for wasting and short stature (stunting) among primary school children in 2005-06 to 2007-08	147
28	Percentage of households without access to hygienic sanitation facilities and access to safe drinking water in 2008	147
29	Official estimates on immunisation coverage (for tuberculosis, diphtheria, pertussis, tetanus, polio and measles) of infants born in 2007	148
30	Number of registered maternal deaths by main cause of death and maternal mortality ratio in 2004-08	148
31	Proportion of newborns born in hospitals in 2004-08	149
32	Number of factual cases in child and youth suicide cases in 2000-07	149
33	Number of persons aged 15 or below with HIV reported in 2004-08	150
34	Number of female adolescents affected by early pregnancy in 2004-08	150
35	Number of legal abortion for female adolescents in 2004-08	150
36	Accident statistics for school transport vehicles in 2006-08	151
37	Statistics on children receiving CSSA in 2000-08	151

Tables		<u>Page</u>
38	Indices of wages, consumer price index (A) and foodstuff in 1999-2008	152
39	Dropout rates in 2005-06 to 2007-08	154
40	Budget for major arts programme in 2008-09	192
41	Gross Enrolment Ratio and Net Enrolment Ratio in pre-primary, primary and secondary education from 2006-07 to 2008-09	193
42	School attendance rates by age group in 2006	193
43	Pupil-teacher ratio by level, from 2006-07 to 2008-09	194
44	Government expenditure on core anti-drug programmes in 2006-07 to 2008-09	230
45	Number of admissions to the rehabilitation centres programme in 2002-08	231
46	Number of cases where criminal legal aid were granted to persons under 18 in 2002-08	231
47	Number of persons aged between 14 and 17 remanded in CSD's institutions and their average length of remand from 2005-08	232
48	Number of institutions specifically for persons under 18 alleged as, accused of, or recognised as having infringed the penal law	232
49	Number of persons aged between 14 and 17 sentenced by court to undergo correctional programmes and their average length of detention from 2005-08	233

Tables		<u>Page</u>
50	Number of reported cases of abuse and maltreatment of persons under 18 during their custody under the CSD in 2005-08	233
51	Number of drug abusers aged below 18 reported to CRDA in 2005-08	234
52	Reasons for current drug abuse reported by young drug abusers aged under 18 in 2008	235
53	Number of admissions to treatment and rehabilitation programmes for drug abusers under 21 in 2005-08	235
54	Sexual offences against minors in 2005-08	236

List of abbreviations

AAT	Academic Aptitude Test
AHP	Adolescent Health Programme
BCG	Bacillus of Calmette and Guerin
BIP	Batterer Intervention Programme
C&SD	Census and Statistics Department
CAIUs	Child Abuse Investigation Units
CCDS	Comprehensive Child Development Service
CCPSAs	Counselling centres for psychotropic substance abusers
CDF	Child Development Fund
CMAB	Constitutional and Mainland Affairs Bureau
CoP	Commission on Poverty
CPCE	Committee on the Promotion of Civic Education
CPG	Central People's Government
CPPU	Child Protection Policy Unit
CPR	Child Protection Registry
CRDA	Central Registry of Drug Abuse
Crisis Centre	Multi-purpose Crisis Intervention and Support Centre
CSD	Correctional Services Department
CSSA	Comprehensive Social Security Assistance
Customs	Customs and Excise Department
DA	Disability Allowance
DH	Department of Health
DoJ	Department of Justice
EDB	Education Bureau
EOC	Equal Opportunities Commission
ESTP	Enhanced Smart Teen Project
FCPSUs	Family and Child Protective Services Unit
FCSC	Family Crisis Support Centre
FEHD	Food and Environmental Hygiene Department
FSP	Family Support Programme
GDP	Gross Domestic Product
Guide for MDCC	Guide to Participants of the Multi—disciplinary Case Conference on Child Abuse
Guide for Handling Child Abuse	Procedural Guide for Handling Child Abuse Cases

List of abbreviations

HA	Hospital Authority
HAB	Home Affairs Bureau
HAD	Home Affairs Department
HKADC	Hong Kong Arts Development Council
HKAPA	Hong Kong Academy for Performing Arts
HKJCCT	Hong Kong Jockey Club Charities Trust
HKSAR / Hong Kong	Hong Kong Special Administrative Region
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICYSCs	Integrated Children and Youth Services Centres
ID schools	Special schools for children with intellectual disabilities
IFSCs	Integrated Family Service Centres
ImmD	Immigration Department
ISCs	Integrated Services Centres
KCFRS	Kindergarten and Child Care Centre Free Remission Scheme
KLAs	Key Learning Areas
LCSD	Leisure and Cultural Services Department
LegCo	Legislative Council
LRC	Hong Kong Law Reform Commission
LWB	Labour and Welfare Bureau
MCHCs	Maternal and Child Health Centres
MDCC	Multi-disciplinary case conference on Child Abuse
NGOs	Non-governmental organisations
NSS	New Senior Secondary
PATHS	Positive Adolescent Training through Holistic Social Programmes to Adulthood: A Jockey Club Youth Enhancement Scheme
PEVS	Pre-primary Education Voucher Scheme
PRC	People's Republic of China
Previous Concluding Observations	The Committee's Concluding Observations of 24 November 2005
PSDS	Police Superintendents' Discretion Scheme

List of abbreviations

RDO	Race Discrimination Ordinance
RRU	Race Relations Unit
RTHK	Radio Television Hong Kong
SB	Security Bureau
SEN	Special educational needs
SHSCs	Student Health Service Centres
SSA	Social Security Allowance
SSAIP	Social Security Assistance Index of Prices
SSRC	Special School cum Resource Centres
SSVs	Student service vehicles
SWD	Social Welfare Department
TFP	Task Force on Poverty
The Committee	The Committee on the Rights of the Child
The Convention	The United Nations Convention on the Rights of the Child
The Hague Convention	The 1993 Hague Convention on Protection for Children and Co-operation in respect of Inter-country Adoption
The Initial Report	The Initial Report of the HKSAR submitted in June 2003
The Permit	Permit for Proceeding to Hong Kong and Macao
The Police	The Hong Kong Police Force
The Report	The second report of the HKSAR under the Convention
UAP	Understanding Adolescent Project
VTC	Vocational Training Council
WHO	World Health Organization
WKCD	West Kowloon Cultural District
WSA	Whole School Approach

INTRODUCTION

This report (the Report) is the second periodic report of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China (PRC), under the United Nations Convention on the Rights of the Child (the Convention). It forms part of the third and fourth periodic report of China under the Convention. It updates the Committee on the Rights of the Child (the Committee) on developments since the submission of the Initial Report of the HKSAR (which formed part of China's second report) submitted in June 2003 (the Initial Report), and the Committee's hearing thereof at its 1062nd to 1065th meetings held on 19 and 20 September 2005, and also responds to the Committee's Concluding Observations of 24 November 2005 (previous Concluding Observations).

In preparing the Report, we have sought to adhere to the requirements as prescribed in the Committee's guidelines (CRC/C/58/Rev.1, Nov. 2005). In particular, as the Initial Report already contained detailed information on the laws, policies and practices that are in place to ensure Hong Kong's compliance with the Convention and many of them have remained unchanged, or changed very little, we have not repeated descriptions or explanations of such in this Report.

Part I

General Profile

of the Hong Kong

Special Administrative Region

<p style="text-align: center;">Part I: General Profile of the Hong Kong Special Administrative Region</p>
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In accordance with Article 44, paragraph 3, of the Convention, save for the developments as set out below, basic information previously provided under the “general profile” of the Initial Report will not be repeated in this Report.

2. Statistical information on land and people of the HKSAR as well as information and publicity measures will be updated in the relevant chapters in the Report. Updates in respect of the general political structure, the general legal framework within which human rights are protected as well as information and publicity on human rights treaties during the reporting period are set out in the following paragraphs.

GENERAL POLITICAL STRUCTURE

System of Government

Chief Executive

3. In accordance with the Basic Law, the Chief Executive of the HKSAR shall be elected by a broadly representative Election Committee and appointed by the Central People’s Government (CPG). The Election Committee shall be composed of 800 members from various sectors of the community. The most recent election for the third term of the Chief Executive, whose term of office commenced on 1 July 2007, took place on 25 March 2007.

Executive Councils

4. Membership of the Executive Council comprises the 15 Principal Officials appointed under the Political Appointment System, and 14 non-official members.

Legislative Council

5. Further to paragraph 11 of Part I of the Initial Report, the election of the fourth term of the Legislative Council (LegCo) (2008-12) was held on 7 September 2008. As in the third term, the HKSAR is divided into five geographical constituencies, each of which has four to eight seats. A total of 30 seats are returned by geographical constituencies through direct elections. Another 30 seats are returned from 28 functional constituencies, each of which represents an economic, social, or professional group which is substantial and important to the HKSAR. The fourth term of the LegCo assumed office on 1 October 2008.

District Councils

6. Pursuant to the initiative to enhance the role and functions of the District Council, the 18 District Councils have been strengthened to advise the Government on all matters relating to the well-being of residents in the districts and to promote community building through carrying out various community involvement programmes including recreational and cultural projects, and undertaking environmental improvement projects within the districts.

7. For the third term District Councils (2008-11), the HKSAR is divided into 405 constituencies, each returning one elected member. In addition, there are 102 appointed members and 27 ex-officio members.

The structure of the Administration

8. There are currently 12 bureaux (instead of 14 policy bureaux and two resource bureaux as stated in paragraph 20 of Part I of the Initial Report). These bureaux, each headed by a Policy Secretary, collectively form the Government Secretariat.

9. A Political Appointment System has been introduced since 1 July 2002. Under the system, the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice and the 12 Policy Secretaries of the HKSAR Government are no longer civil servant but

political appointees. They are responsible for specific policy areas and are accountable to the Chief Executive. They are at the same time appointed as Members of the Executive Council and, together with other Non-Official Members of the Council, assist the Chief Executive in policy making. Under the system, there remains a permanent, professional and politically neutral civil service.

GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

10. The general framework of human rights protection remains as described under paragraphs 28 to 49 of Part I of the Initial Report. The following are updates to the Initial Report.

Equal Opportunities Commission (EOC)

11. Further to paragraph 44 of Part I of the Initial Report, the EOC has also been empowered to handle complaints, conduct investigations, and provide assistance under the Race Discrimination Ordinance (RDO) (Chapter 602 of the Laws of Hong Kong, hereinafter abbreviated as Cap. 602), which was enacted in 2008 and came into full operation in July 2009. Please see paragraphs 93 to 101 of Part II for details.

Complaints and investigations

12. Further to paragraph 46 of Part I of the Initial Report, the Independent Police Complaints Council Ordinance was enacted in 2008 and came into effect in June 2009. A statutory Independent Police Complaints Council was established under the Ordinance. Its main functions include observing, monitoring and reviewing the handling and investigation of reportable complaints by the Hong Kong Police Force (the Police) and making recommendations in respect of the handling or investigation of such complaints, and identifying any fault or deficiency in the practices or procedures adopted by the Police that has led or might lead to reportable complaints.

INFORMATION AND PUBLICITY

Human rights treaties

13. Following the re-organisation of the Government Secretariat with effect from 1 July 2007, matters relating to human rights and equal opportunities, including the promotion of public awareness of the rights and obligations stipulated in the human rights treaties applicable to HKSAR, which were previously under the responsibility of the Home Affairs Bureau (HAB), have been transferred to the Constitutional and Mainland Affairs Bureau (CMAB). Matters and human rights treaties relating to women and disability, previously under the then Health, Welfare and Food Bureau, now come under the Labour and Welfare Bureau (LWB).

14. Efforts on promotion and education of human rights are elaborated in paragraphs 51 to 55 and 496 to 498 of the Report.

15. Accordingly, further to paragraph 51 in Part I of the Initial Report, the draft reports in respect of the HKSAR under various human rights treaties are prepared by the CMAB and the LWB.

16. Further to paragraph 52 of Part I of the Initial Report, as the PRC has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2001, the HKSAR's reports under ICESCR form part of the PRC's reports under that Covenant. In respect of International Covenant on Civil and Political Rights (ICCPR), the Government of the HKSAR continues to be responsible for preparing the reports on the HKSAR for submission to the United Nations through the CPG.

Part II

Implementation of the Convention in the Hong Kong Special Administrative Region

**Part II: Implementation of the Convention
in the Hong Kong Special Administrative Region**

**I. GENERAL MEASURES OF IMPLEMENTATION
(Articles 4, 42 and 44(6) of the Convention)**

A. Concluding observations – follow up

Article 4 - Implementation of rights

Committee's previous recommendations

Paragraphs 6 and 7 of the previous Concluding Observations
(CRC/C/CHN/CO/2):

The Committee considered that some of the concerns it expressed and recommendations it had made have not been sufficiently addressed. With respect to the HKSAR, the Committee noted the State party's explanation that the Committee's previous recommendations on coordination and assessment (CRC/C/15/Add.63, paragraph 20) were not considered practical. Nevertheless the Committee remained of the opinion that national legislation and policy must take a holistic and comprehensive approach to the implementation of the Convention, which required that priority be given to children's issues, such policy be actively coordinated and assessments be made regarding the potential impact of policy decision on children. The Committee urged the State party to make every effort to address the recommendations issued in the Concluding Observations on the initial reports that had not yet been implemented.

17. This is addressed in paragraphs 18 to 28 below under the section on "Coordination and monitoring of child policy".

Coordination and monitoring of child policy

Paragraphs 15 to 17 of the previous Concluding Observations
(CRC/C/CHN/CO/2):

The Committee reiterated its previous recommendation that in HKSAR,

the State party improve the coordination of its activities on the implementation of the Convention by developing and implementing a Plan of Action for HKSAR.

Regarding the absence of an independent national human rights institution with a specific mandate on child rights in Hong Kong, the Committee recommended that the State party establish in Hong Kong a human rights institution which includes a clear mandate for the monitoring of children's rights and the implementation of the Convention in accordance with the Paris Principles. The Committee noted that such institutions should have a mandate to receive, investigate and address complaints from the public, including individual children, and be provided with adequate financial, human and material resources. In the case of the HKSAR, the Committee considered that such an institution could be a specialised branch of the existing Ombudsman's Office.

18. We have carefully considered the previous Concluding Observations which called for the establishment of an independent mechanism to monitor the implementation of policy of the rights of the child, standalone assessment of the impact of policy proposals on children for the purpose of policy formulation, and improvement of coordination mechanism on policies and measures related to the implementation of the Convention.

19. In this relation, a number of commentators, legislators and non-governmental organisations (NGOs) also continued to propose that a "Children's Commission" be established in Hong Kong. Such views have been expressed through various channels including debates at the LegCo of the HKSAR, discussions at the Children's Rights Forum, as well as written submissions received during our consultation of the draft outline of this report with the public.

20. The roles of the "Children's Commission" advocated by different commentators do vary. Some commentators call for the establishment of an independent monitoring mechanism to oversee the implementation of the Convention in Hong Kong and to promote children's rights. Some expects the "Children's Commission" to play a

high-level coordination role within the Administration, to ensure that policies and measures of the Government are adequately assessed from the perspective of children's rights and take into consideration the interests of the child. Others envisage that the "Children's Commission" would play an advisory role, and serve a formal platform for Government to consult children as well as NGOs concerned on children's.

21. The HKSAR Government's considerations on the issue were set out in paragraphs 3 to 10 of Part II of the Initial Report. Taking into account the views of the Committee set out in paragraphs 15 to 17 of the previous Concluding Observations, as well as commentators and NGOs, some of the relevant mechanisms for implementation of the Convention have been further strengthened. We have also reviewed the considerations in the Initial Report. Our updated views are set out in paragraphs 22 to 28 below.

Policy formulation and coordination

22. In the HKSAR, matters concerning children cover a wide range of policies. They are taken care of by the respective policy bureaux of the HKSAR Government. The best interests of the child are necessary considerations in all relevant decision-making, including legislative proposals and policies, and are taken into account as a matter of course. Advice would be sought from Government experts on human rights and international law where necessary to ensure compliance.

23. Certain child-related policies and measures may involve more than one bureau or department. Mechanisms are in place within the HKSAR Government for co-ordinating and handling policies that involve different bureaux and departments. The leading policy bureaux would consult other bureaux and departments in considering and dealing with relevant issues. Furthermore, the Policy Committee, led by the Chief Secretary for Administration of the HKSAR, provides a high-level mechanism for co-ordination and co-operation within the Government. As such, there are mechanisms within the Administration continues to adequately serve the need of coordinating policies and

measures among Government bureaux and departments, ensuring that adequate consideration is given to the interests of children.

Independent monitoring

24. The Committee has recommended that the HKSAR Government set up an independent human rights institution with a clear mandate on children's rights, which could be a specialised branch of The Ombudsman in Hong Kong. The issue of setting up an independent human rights institution was recently considered by the Government in the context of the Review of jurisdiction of the Office of The Ombudsman.

25. The Review was conducted by The Ombudsman and the Review Report was submitted to the Administration in two parts in 2006 and 2007 respectively. The issue of whether The Ombudsman should assume the role of the human rights commission to protect and promote human rights was examined in Part 2 of The Ombudsman's Report. It pointed out that while The Ombudsman was not explicitly charged with human rights responsibilities, the essence of the Office's work was to ensure the protection of individual rights by public administration. Under the existing mechanism for protection of human rights in Hong Kong, various statutory bodies, including The Ombudsman, the EOC and the Office of the Privacy Commissioner for Personal Data, had a role to play as provided for under the respective ordinances. The question of whether one single institution should be set up to oversee all issues on human rights protection in Hong Kong was a policy issue to be examined by the Administration. The Ombudsman further advised on the implications for putting in place such a system in the Review Report.

26. Having considered the Review Report, the Government is of the view that an extensive mechanism for the protection of human rights in Hong Kong is already in place. In addition to the statutory bodies mentioned above, Hong Kong possesses a strong legal system buttressed by judicial independence and professional legal services and a steadfast respect for the rule of law. Government policies and measures are also closely monitored by the LegCo, a vibrant and free media sector and the general public. There is no obvious need for establishing another human rights institution to duplicate or supersede the existing mechanism.

27. We therefore remain of the view that an additional independent monitoring mechanism is not necessary to give effect to the Convention or its requirements.

Engagement with NGOs and children

28. Under the existing arrangements, when policies and measures relevant to the rights of the child are formulated by different Government bureaux and departments, relevant advisory bodies and other relevant bodies will be consulted through different channels, including NGOs concerned. The operation of the present mechanism is largely satisfactory. It enables us to respond flexibly to concerns and views expressed by different sectors of the community, including those from the perspective of children. In particular, since the submission of the Initial Report, a number of relevant forums and bodies have been established, including the Children's Rights Forum (see paragraph 112 in Chapter III) and the Family Council (see paragraph 218 in Chapter V). We have further strengthened the co-operation with NGOs in the promotion of children's rights (elaborated deliberation in paragraphs 62 to 66 below). Platforms are therefore available for discussions with interested parties on issues of concern to children. We do not see a strong need for the establishment of a dedicated advisory body on issues related to children's rights. We will continue to explore means to improve the existing channels in collecting the views of children.

Allocation of resources

Paragraphs 19 to 21 of the previous Concluding Observations (CRC/C/CHN/CO/2):

The Committee was concerned that insufficient resources were allocated to reduce poverty and that income disparities were increasing. It recommended that in the HKSAR, budget allocations be targeted towards reducing income disparities, including through increased funding for social safety nets. It also recommended that an adequate monitoring system be established in order to ensure that budgetary allocations benefit the most vulnerable populations.

29. Under the principle of keeping the expenditure within the limits of revenues in drawing up the budget of the HKSAR Government as stipulated in the Basic Law, the HKSAR has been managing its public finance prudently. Education and welfare spendings have been the two largest components of recurrent public expenditure, reaching over 20% and 15% of its total respectively in recent years. This demonstrates the importance placed by the HKSAR in investing in our future, particularly on our children, and building a caring community.

Poverty alleviation

30. The HKSAR Government attaches great importance to poverty alleviation. We will continue to adopt a multi-pronged approach to improve the livelihood of the poor. We are committed to providing a safety net and different support services to cater for the basic needs of the poor and improve their livelihood. We also seek to strengthen training and retraining to facilitate those who have the ability to work to join the labour market to achieve self-reliance and alleviate poverty.

31. With the conclusion of the work of the then Commission on Poverty (CoP), the HKSAR Government established a Task Force on Poverty (TFP) in 2007 to co-ordinate efforts across the Government in tackling poverty related issues and monitor the progress in implementing some 50 recommendations made by the then CoP. The TFP has duly followed up on all the recommendations of the then CoP. For example, for children, the Child Development Fund (CDF) was launched in December 2008 to try out a new asset-based model which encourages longer-term development of children from a disadvantaged background; for the hardcore unemployed youth, the Special Training and Enhancement Programme was implemented to help them rejoin the workforce or return to mainstream schooling; for the unemployed and low income persons, one-stop Employment Services is under active planning for adopting an integrated approach in the delivery of training and employment assistance. Moreover, a number of district-based initiatives were implemented with a view to addressing the unique situation and characteristics of individual districts. The TFP will continue to co-ordinate the Government's efforts and explore possible

new initiatives/measures, such as short-term food assistance for those who have difficulties in coping with daily food expenditure, to assist the disadvantaged groups and people in need.

Child Development Fund (CDF)

32. We set up the \$300 million (all monetary figures in this Report are in Hong Kong currency) CDF in April 2008 to try out an asset-based model which encourages the longer-term personal development of children from a disadvantaged background. The CDF seeks to consolidate resources from the family, the private sector, the community and the Government with a view to providing more development opportunities for these children, encourage them to plan for the future and develop a positive attitude. The first batch of seven CDF pioneer projects, covering the whole territory, has commenced operation since December 2008.

The Comprehensive Social Security Assistance (CSSA) Scheme

33. The CSSA Scheme (known as the Public Assistance Scheme before July 1993) aims to provide financial assistance to bring the income of needy individual and families up to a prescribed level to meet their basic needs. The Scheme is non-contributory and funded entirely from Government Revenue. The CSSA expenditure has risen from \$13.6 billion in 1999-2000 (references to years in the context of Government expenditure in this Report generally refers to financial years, which commence on 1 April and end on 31 March of the subsequent year) to the approved provision of \$19.4 billion in 2009-10.

(a) Adjustment mechanism

34. Since 1973, the rates of CSSA have been adjusted in accordance with movement of the Social Security Assistance Index of Prices (SSAIP) (previously known as Public Assistance Index of Price before July 1993), which measures price changes in goods and services consumed by CSSA households.

35. The rate adjustment in 1999 was implemented in response to growing public concern about the rapid growth in caseload and expenditure of the CSSA Scheme, the higher levels of CSSA benefits for larger families as compared with market wages, and the sharp increase in the number of able-bodied adults turning to CSSA.

36. The deflationary adjustment in 2003 was implemented against a backdrop of continuous deflation since 1999. The Administration did not adjust the rates of CSSA downward in accordance with the SSAIP during the deflationary period between 1999 and 2002. The sole purpose of the adjustment was to return the purchasing power of the benefits to their originally intended levels in accordance with the established mechanism.

37. Furthermore, from 2005 onwards, the SSAIP is reviewed every December and the adjustments indicated by the findings are put into effect the following February. Based on this mechanism, the standard rates of CSSA were adjusted upward by 0.4%, 1.2%, 2.8% and 4.7% in February 2006, February 2007, February 2008 and February 2009 respectively.

38. However, should movements of the SSAIP and other economic indicators point to persistent high inflation, consideration could be given to seeking approval of the legislature for inflationary adjustment to the standard rates ahead of the annual adjustment cycle. Correspondingly, we have adjusted the standard rates of CSSA upward by 4.4% in August 2008.

39. At present, the average CSSA monthly payment of CSSA households without any income is already higher than the average monthly expenditure of non-CSSA households in the lowest 25% expenditure group in Hong Kong. This indicates that current rates of CSSA do provide an acceptable standard of living. Nevertheless, we will continue to closely monitor the movement of the SSAIP and adjust the standard rates of CSSA in accordance with the established mechanism.

(b) Additional one-off payments

40. To share the fruits of economic prosperity with social security recipients, the Government provided one additional month of the standard rates for CSSA recipients in May 2007 and June 2008 respectively. One additional month of the standard rates of CSSA payments was also made in September 2008 to ease inflationary pressure on social security recipients.

(c) Encourage unemployed CSSA recipients to become self-reliant

41. We have also injected resources to implement various measures to assist unemployed CSSA recipients to take up employment. These include the Support for Self-reliance Scheme which provides active employment assistance for unemployed recipients, and the provision of disregarded earnings which aims to encourage CSSA recipients to find and maintain employment by allowing recipients who work to be financially better off. Under the disregarded earnings arrangement, earnings from employment are disregarded when assessing the amount of assistance payable to CSSA recipients.

Other allocation of resources

42. The budget of the Government in family and child welfare has generally increased over the past years. In 1999-2000, the expenditure of the Social Welfare Department (SWD) in this area was about \$1.585 billion. The budget for 2009-10 has increased to about \$1.785 billion. The expenditure for young people and young offenders are respectively about \$1.180 billion and \$594 million in 1999-2000. They are respectively \$1.680 billion and \$585 million in 2009-10.

43. Some commentators considered it useful to develop indicators and indexes on issues particularly affecting children to measure the progress of development of children's rights, such as in reducing poverty. In general, as mentioned in the section on data collection in paragraphs 46 to 49 below, there is a wealth of statistical information, as well as other channels which provide qualitative information, for relevant bureaux and departments to monitor the progress and outcome of various child-related policies.

44. In 2008-09, children-related expenditure on education totalled \$36.9 billion. A comparison between the expenditure in 2003-04 and 2008-09 is set out as follows.

**Table 1: Children-related expenditure on education
in 2003-04 and 2008-09 (\$ million)**

	2003-04 Actual Expenditure	2008-09 Revised Estimate
Pre-primary education	1,300	2,150
Primary education	10,960	11,365
Secondary education	16,280	19,880
Special education	1,400	1,405
Support & others	2,545	2,110
Total	32,485	36,910

45. The total expenditure increased by 13.6% from 2003-04 to 2008-09. While expenditure to improve our education may not have an immediate effect on the income distribution, we believe that education has an important role to play to prevent intergenerational poverty, especially in a knowledge-based society like Hong Kong. Education enhances capacity and strengthens an individual's ability to advance in society and break away from intergenerational poverty, regardless of a study finding that intergenerational poverty was not found to be prevalent in the local economy¹. The study also revealed that earnings of those with higher education have experienced significant growth in real terms.

¹ Special Topic Enquiry on Earnings Mobility by Dr James P. Vere (September 2006), Hong Kong Institute of Economics and Business Strategies of the University of Hong Kong.

Data collection

Paragraph 23 of the previous Concluding Observations (CRC/C/CHN/CO/2):

The Committee recommended that the State party further strengthen its efforts to collect reliable and comprehensive statistical data on all areas covered by the Convention and ensure that such data were systematically made available to the public in a timely manner in all parts of the State party. It further recommended that the State party explore the possibility of developing central databanks for statistics on children for the mainland and the SARs, so as to ensure that statistical data were used for the development, implementation and monitoring of appropriate policies and programmes for children.

46. Within the HKSAR Government, the Census and Statistics Department (C&SD) is tasked with the duty to provide adequate, relevant, reliable and timely statistics to facilitate research, discussion, planning and decision making within the Government and in the community. It conducts population censuses every 10 years and by-censuses in the middle of the intercensal period. It also conducts other specific surveys depending on the needs and the requests of relevant bureaux and departments to aid their decision making. The censuses and surveys provide comprehensive information and cover a variety of general social and economic topics. Age group is one of the important data collected and thus statistics on children are available. The census and survey results are available to the public through publications and on the website of the department (www.censtatd.gov.hk). The Department also provides bureaux and departments with statistical information from the censuses and surveys as necessary to aid their formulation of policies and measures.

47. Separately, Government bureaux and departments also keep relevant statistics relating to their activities. Where appropriate, dedicated statistics units have been established within their organisation to enable centralised and professional handling of their statistics. In many cases these are tied up with their relevant information system to provide updated statistics.

48. The above arrangements work well to aid Government bureaux and departments to monitor their various programmes and formulate relevant policies and measures, including those relevant to children.

49. In consultation with the Children's Rights Forum, we have collected the key statistics and information on various child-related subjects, including population aged under 18 by age group and sex, infant mortality rate, children with disability, and student-teacher ratio at schools, and disseminate them at the website of the CMAB. This facilitates the public to have an overview of the situations on various child-related subjects in the HKSAR. We will continue to update these statistics and keep in view feedback from the public.

Articles 42 and 44 - Dissemination of the Convention and reporting

Dissemination and training of the Convention

Paragraphs 24 and 25 of the previous Concluding Observations
(CRC/C/CHN/CO/2):

The Committee recommended the State party to:

- (a) Further strengthen its efforts to disseminate the Convention in all languages, and also through the use of child-friendly materials and school curricula;
- (b) Expand its programmes to sensitise parents and children about the Convention; and
- (c) Increase its efforts to provide adequate and systematic training on children's rights for professional groups working with and for children.

50. The HKSAR Government continues to strengthen its efforts in disseminating the Convention and promoting the rights of the child. Further to those measures explained in paragraphs 11 to 16 of Part II of the Initial Report, a number of programmes have been launched and/or updated. The details are provided in paragraphs 51 to 60 below.

Promotion of the Convention and children's rights

51. We have continued our efforts to promote the Convention and respect of children's rights to schools and the community at large through different means. Initiatives have also been taken to enhance cooperation with NGOs to promote children's rights.

52. Further to the media campaigns explained in paragraph 13 of Part II of the Initial Report, two further television advertisements have been produced by the Government to promote children's rights. The first one produced in collaboration with child focused NGOs and involved Child Ambassadors introducing the Convention, was launched in 2001. A more recent one, produced by the CMAB to promote respect of children's rights as enshrined in the Convention, namely the right to life, development, protection and participation, was recently launched in June 2009. The advertisements were designed to be appealing to both children and their parents.

53. A bilingual booklet on the Convention, with illustrations of the principal provisions and in languages which are easy to understand, was published by the Government in early 2009. It aims to enhance the promotion of the Convention to members of the public, in particular parents and children. It has been widely distributed to primary and secondary schools, libraries, district offices and NGOs, and has been uploaded to the Government website.

54. The estimated expenditure for the promotion of children's rights in 2009-10 is around \$1.9 million, an increase of one million when compared to the expenditure in 2008-09.

55. Education in schools is an important aspect in the promotion of children's rights and human rights in general. Human rights education is integral to the school curriculum and is addressed in a wide range of subjects at different key stages of learning. These curriculum areas have been strengthened in the core subject of Liberal Studies implemented at senior secondary level starting from the 2009-10 school year. This is elaborated below in paragraphs 496 to 498 in Chapter VII.

56. Some commentators raised concerns that the Human Rights Education Working Group under the Committee on the Promotion of Civic Education (CPCE) was disbanded in 2007. The CPCE is an advisory body under the HAB set up in 1986 to promote civic education in liaison with relevant Government departments. In response to the transfer of human rights policy from the HAB to the CMAB in 2007, as well as to streamline the CPCE's structure, the work of the Human Rights Education Working Group has been carried out by its Publicity Subcommittee. Since human rights education forms part and parcel of civic education, the CPCE continues to promote public understanding of human rights as and when suitable opportunities arise.

57. Some commentators have also requested the Government to take up a survey on human rights which was planned by the former Working Group but was not pursued. Our view is that there are established channels to monitor the human rights situation in Hong Kong. We should continue to make use of these channels. Moreover it would be more effective to deploy the resources to implement measures or activities which would promote the rights of the individuals.

Training on children's rights

58. Annex 4 to the Initial Report set out the measures adopted by the SWD to promote the awareness of the Convention among social welfare professionals. NGOs and the SWD have continued to organise conferences, symposiums and seminars to this purpose. Examples include:

- **Symposium on Domestic Violence – Welfare of Children and Families:** organised by the Hong Kong Baptist University in October 2006;
- **17th International Society for Prevention of Child Abuse and Neglect (ISPCAN) International Congress on Child Abuse and Neglect:** Towards a Caring and Non-Violent Community; A Child's Perspective: organised by IPSCAN and Against Child Abuse in September 2008; and

- **ACA 30th Anniversary Forum – Pioneers’ Voices on Child Protection and Children’s Rights:** organised by Against Child Abuse in June 2006.

59. Additionally, the SWD has circulated information on the Convention to frontline staff who work with children. The implication of the Convention and its applicability in the work of social workers are also introduced in different courses on child protection for all frontline staff in the department and NGOs who have to work with children.

60. Other statistical data on training provided on children’s rights for professionals working with and for children are set out in paragraph 72 below.

B. Comprehensive programmes - monitoring

Legislation

61. A number of new laws and legislative amendments were introduced in the reporting period. They are conducive to the realisation of the rights of the child as enshrined in the Convention. These include the following –

- (a) As foreshadowed in paragraphs 28 and 412 of Part II of the Initial Report, the Juvenile Offenders (Amendment) Ordinance 2003 was passed by the LegCo on 12 March 2003 to raise the minimum age of criminal responsibility from seven to 10 years of age. The Ordinance came into effect on 1 July 2003. This is elaborated in paragraphs 545 to 547 in Chapter VIII below, in connection with Article 40 of the Convention;
- (b) Regarding Domestic Violence Ordinance (DVO) (Cap. 189), the Domestic Violence (Amendment) Ordinance 2008 was passed by the LegCo on 1 August 2008. The Ordinance enhances the protection to victims of domestic violence, including child victims. This is

further discussed in paragraph 191 in Chapter V below;

- (c) Further to paragraphs 477 to 478 of Part II of the Initial Report, the Prevention of Child Pornography Ordinance (Cap. 579), enacted in 2003, created the offences of printing, making, producing, reproducing, copying, importing, exporting, publishing and possessing child pornography materials, and made it an offence to use, procure or offer of persons under 18 for making pornography or live pornographic performances. The Ordinance also extends the application of 24 sexual offence provisions under the Crimes Ordinance (Cap. 200) to acts committed against children outside Hong Kong. This is further explained in paragraphs 535 to 539 in Chapter VIII; and
- (d) Following paragraph 39 of Part II of the Initial Report, the RDO was enacted in 2008 and came into full implementation in July 2009. It represents a major step undertaken by the Government to provide legal safeguards for the rights of individuals against discrimination, harassment and vilification on the ground of race. This is further explained in paragraphs 93 to 97 in Chapter III below.

Cooperation with civil society

62. The civil society has been valuable partners of the Government in promoting and monitoring the implementation of children's rights. During recent years, the cooperation in this regard has been further strengthened.

63. To further the Child Ambassadors Scheme mentioned in paragraph 12 of Part II of the Initial Report, the Government has been providing funding for NGO partners to organise the Children's Council project since 2003. It aims to promote public awareness of the Convention and give practical effect to the rights of children to have their views respected. Every year, 60 children are recruited across the

territory to take part in a series of relevant trainings, before participating in a series of open debates which mimic those in the LegCo. Such debates focused mainly on community issues which affect children's rights and interest. The events have been widely reported by the media and the views of the "Children Councillors" have been forwarded to relevant Government departments for consideration.

64. In 2006, Children Ambassadors and Children Councillors from the above schemes formed "Kids' Dream", the first children-led NGO in Hong Kong. It has been actively involved in the promotion of children's rights and the Convention and has been providing insightful contribution to the Government during its formal and informal interactions with the Government.

65. In 2006, Government established the Children's Rights Education Funding Scheme, which provides financial support for community organisations to carry out educational projects to raise public awareness and understanding of the Convention and the children's rights enshrined in it. The Scheme accepts open application for funding on an annual basis. Up to 2008-09, over 100 projects have been sponsored through the Funding Scheme. These projects include activities such as seminars, dramas, workshops, quizzes and training camps to promote children's rights. The organisers have to provide evaluation reports to the Government after the completion of the project. According to the reports, most of the projects have obtained positive feedback from the participants and have achieved the objectives of promoting children's rights to the community.

66. Apart from the above, Government collaborates with NGOs from time to time to undertake worthy projects for the promotion of children's rights. For example, on the occasion of the 20th anniversary of the Convention, Government has provided grants for the Hong Kong Committee for United Nations Children's Fund (UNICEF) to prepare a bilingual educational kit to provide teaching materials for teachers on the Convention. It includes games, activity kits and a website in child-friendly language, targeting the promotion of the awareness of the Convention among primary schools and the public. We will encourage schools to use the kit for disseminating the message of children's rights

to the students.

Preparation and dissemination of the HKSAR Report

67. In accordance with past practice, in preparing the draft of this Report, the HKSAR Government has set out in an outline the broad subject headings and individual topics that we envisage to be covered in the report. The outline for consultation was widely issued to stakeholders, including the LegCo, members of the Children's Rights Forum and the Human Rights Forum (which covers children and youth groups, NGOs concerned with the rights of the child, and human rights organisations). Comments were invited from the public from the period of 14 April 2009 to 29 May 2009 regarding their views on Government's implementation of the Convention in respect of the topics. The public was also invited to suggest additional topics that ought to be included in the Report. The outline was discussed at two sessions of the Constitutional Affairs Panel of the LegCo, and representatives of interested NGOs presented their views during one of the sessions. Discussion was also held with members of the Children's Rights Forum and Human Rights Forum to seek their views.

68. We have carefully considered the views and comments received in drafting the Report. As with the past practice, issues raised by commentators, together with the respective responses of the HKSAR Government where applicable, have been incorporated in the relevant sections of the Report.

69. The HKSAR section of the Report will be made available to stakeholders, including the LegCo and interested NGOs, and will be distributed to the public at District Offices of the Home Affairs Department (HAD), public libraries and Government website. In response to the suggestion of some commentators (especially children representatives), we will produce a child-friendly version of the Report which is more easily understood by children and young people, in order to promote the awareness of the Convention (and human rights reporting to the United Nations in general) among them.

70. A number of commentators suggested that the HKSAR Government should launch further public consultation after a draft of the HKSAR report is available but before its submission. We do not consider it necessary. We have consulted the stakeholders on the outline of topics to be included in the Report and have taken into account their views in preparing the Report. We also note that stakeholders may make their submissions to the Committee. This would enable the Committee to appraise itself of the views of NGOs and stakeholders.

C. Allocation of budgetary and other resources

71. Other than allocation of resources set out in paragraphs 29, 33, 42 and 44 above, the Government incurred sufficient expenditure in children-related policy areas. Expenditure incurred in the provision of the medical and health services for children are provided under Table 2 –

Table 2: Expenditure on medical and health services for children in 2007-08 to 2009-10 (\$ million)

	2007-08	2008-09	2009-10 (estimates)
Medical services provided by the Hospital Authority to children under the age of 18	3,039	3,179	Not yet available
Children related family health services provided by the Department of Health	214	227	441
School Dental Service provided by the Department of Health	164	174	208
Student Health Service provided by the Department of Health	128	136	143
Adolescent Health Service provided by the Department of Health	90	93	98

D. Statistical data

72. Statistical data on training provided on the Convention for professionals working with and for children are at Table 3.

Table 3: Training provided on the Convention for professionals working with and for children

	Professionals	Training provided and number of participants
(1)	Legal professionals	<ul style="list-style-type: none">• 97 legal professionals participated in 11 conferences, seminars, workshops and sharing sessions on child witness and juvenile offenders in this period.
(2)	Teachers	<ul style="list-style-type: none">• Around 600 teachers participated in 15 courses, seminars and workshops on human rights in relation to “Rights of Child”.• Around 2 000 teachers received 11 training courses relating to child sexual abuse, happy schooling, non-attendance and helping students affected by domestic violence.• For trainings conducted by the Department of Health on child health and child development, the number of attendance by teacher is around 560.
(3)	healthcare personnel	<ul style="list-style-type: none">• Over 700 health care workers (including doctors, nurses and allied health professionals) received training conducted by the Hospital Authority, including on practice of paediatric anaesthesia, assessment of child behavioural and emotional problems, paediatric clinical genetics, neonatal intensive nursing care, as well as child and adolescent psychiatric nursing.• For trainings organised by the Department of Health on maternal health and family planning, breastfeeding, child health and child development, parenting and others

	Professionals	Training provided and number of participants
		areas, the numbers of attendance by doctors and nurses are around 840 and 4 610 respectively.
(4)	Social workers	<ul style="list-style-type: none"> • Around 1 250 social workers participated in 24 trainings on “Child Protection for Social Workers” during this period.

E. Factors and difficulties

Coordination and monitoring of child policy

73. We have explained in paragraphs 18 to 28 above the Government’s considerations regarding the recommendation to setting up an additional co-ordination and monitoring mechanism on children’s rights. We will nevertheless continue to seek rooms for enhancement on our existing channels to engage the views of children and NGOs concerned in the formulation and implementation process of relevant policies.

Poverty

74. Poverty is a complex issue and cannot be fully understood by a simplistic measurement of income poverty. The HKSAR Government has been providing plenty of free or highly subsidised services in various areas, such as housing, medical and education etc. There is therefore a need to look beyond the income statistics to understand the needs of the individuals and their families, their socio-economic background, as well as the wider economic, social and demographic changes taking place in Hong Kong.

75. In Hong Kong, one major factor affecting household income and income disparity is the ongoing change in family structure towards small and nuclear families, which has in turn led to a progressive decline in the average household size and poses a drag on household income. Moreover, most of these small families comprise

elderly persons who are retirees living on their own savings and/or financial assistance from the Government or other family members not living with them.

76. Disparity in income should also be understood in the context of globalisation and the economic restructuring in Hong Kong. In the face of challenges and opportunities brought by globalisation and rapid economic development in the Mainland of China, Hong Kong, being a small and open economy, has been continuously undergoing restructuring towards higher value-added activities so as to sustain economic vitality and competitiveness. During this transformation and upgrading process, many higher-skilled and hence higher-paid jobs are being created along with enhancement of the quality of our workforce. This contributes to a wider income disparity between higher-paid and lower-paid jobs in Hong Kong.

77. Some children and their families in the society are more vulnerable than others and deserve special attention and support. However, we need to beware of the limitations of passive assistance and the possible impact of negative labeling of programmes targeted specifically at disadvantaged children. The mere provision of additional financial assistance to the children or their families may deal with the symptoms but not the root of the problem. The ultimate objective of the HKSAR Government is to help children to develop a positive attitude, an ability to learn and a sense of self-responsibility and self-worth, as well as to equip them through education and training, with a view to meeting the rapidly changing economic conditions.

Data collection

78. While the Convention defines children as those below the age of 18, due to policy reasons and operational constraints, some data may not be disaggregated into those above 18 years of age and below 18 at present. We will continue to explore the feasibility of better aligning the breakdowns with definition of the Convention where practicable.

II. DEFINITION OF “THE CHILD”

(Article 1 of the Convention)

79. The definition of a child under the law of the HKSAR was set out in detail in paragraphs 19 to 33 in Part II of the Initial Report. The position remains largely the same. Updates since the Initial Report and major developments are detailed below.

A. Updates and developments

Free education

80. Further to paragraph 22 of Part II of the Initial Report, starting from the 2008-09 school year, free education has been extended to include senior secondary education provided by public sector secondary schools. Moreover, the Government provides full subvention for full-time courses offered by the Vocational Training Council (VTC) for junior secondary school leavers. This is further explained in paragraphs 441 and 450 below, in Chapter VII.

Sexual acts

81. Sections 118C and 118H of the Crimes Ordinance (regarding homosexual buggery or act of gross indecency with or by a man aged under 21), as mentioned under paragraph 24 of Part II of the Initial Report, was ruled in a judicial review case by the Court of Appeal in 2006 as unconstitutional and inconsistent with the Basic Law and the Hong Kong Bill of Rights Ordinance (Cap. 383), on ground that it significantly affects homosexual men in an adverse way compared with heterosexuals and the infringement to the rights of privacy and equality cannot be justified. The Hong Kong Law Reform Commission (LRC) (a neutral and autonomous body comprising academic and practicing lawyers, and prominent members of the community) has set up a Sub-committee to review the common law and statute law governing sexual and related offences, including homosexual offences. The Government will consider any recommendation to be made by the LRC

as a result of the review. In the interim, the prosecution would take into account the above judgment and the circumstances of each individual case when considering charges on homosexual offences.

Prevention of child pornography

82. As mentioned in paragraph 61(c) in Chapter I above, in 2003, the Crimes Ordinance was amended to prohibit the use, procurement or offer of persons under the age of 18 for making pornography or for live pornographic performances.

83. On the other hand, the Prevention of Child Pornography Ordinance defines “child” as a person under the age of 16. As will be explained in paragraph 541 in Chapter VIII below, the Government is considering the option of raising the age to 18, in line with the definition of the Convention and in the context of implementing the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. However, the implications and feasibility of the amendments would need to be carefully considered.

Criminal liability

84. The minimum age of criminal responsibility was raised from seven to ten years of age since 1 July 2003. Some commentators opined that the age should be further raised. This is addressed in paragraphs 545 to 547 in Chapter VIII.

Juvenile offenders

85. At present, under the Juvenile Offenders Ordinance (Cap. 226), “child” and “young person” to which the special procedures (such as juvenile court or other measures for the protection of juvenile offenders) apply are defined respectively as those under the age of 14, and those aged between 14 and 16. The Juvenile Offenders Ordinance provides that no young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way. The Criminal Procedure Ordinance (CPO) (Cap. 221) provides that no court shall sentence a person of over 16 and under 21 years of age to imprisonment unless the

court is of opinion that no other method of dealing with such person is appropriate.

86. Some commentators considered that the age of juvenile offenders, restrictions on imprisonment applicable to juvenile offenders, as well as the juvenile court's jurisdiction should be extended to 18.

87. As far as juvenile court is concerned, it has exclusive jurisdiction to hear and determine a charge of any offence (other than homicide) against children and young persons up to the age of 16. We are of the view that the present system of juvenile justice is working well and there is no pressing need for change. Our position is detailed in paragraphs 553 to 557 in Chapter VIII.

Entry into controlled premises

88. The position is largely the same as paragraph 31 of Part II of the Initial Report, but due to legislative amendments to the Betting Duty Ordinance (Cap. 108), the Hong Kong Jockey Club is now authorised under section 6GB of the Ordinance to conduct horse race betting activities through a license issued by the Secretary for Home Affairs, instead of direct authorisation under section 3(2). The requirement that no person under the age of 18 shall be permitted to enter any betting locations (such as betting counters in racecourses and Off-course Betting Branches) remains unchanged.

89. Further to the legal provisions mentioned in paragraph 31 of Part II of the Initial Report in relation to the restriction of entry into controlled premises, under the Places of Amusement Regulation (Cap. 132 BA) of the Public Health and Municipal Services Ordinance, which regulates the operation of billiard establishment with four tables or more, the Conditions for Billiard Establishment Licence requires that no person under the age of 16 years shall be allowed to enter the licensed billiard establishment between the hours of 8:00 pm. and 10:00 am. Furthermore, no person in school uniform, whether in full or in part, or whether wholly or partly covered, shall be allowed to enter the licensed premises at any time during the business hours of the licensed billiard establishment.

B. Statistical data

90. The percentages of children under 18 in the total population of the HKSAR are set out in Table 4.

Table 4: The percentages of children under 18 in the total population in 1996, 2001, and 2006-08

Age	Sex	Mid 1996	Mid 2001	Mid 2006	Mid 2007	Mid 2008	Mid 2009*
Under 15	Male	9.7	8.5	7.1	6.9	6.7	6.4
	Female	9.0	7.9	6.6	6.4	6.2	6.0
15-18	Male	2.8	2.7	2.6	2.6	2.6	2.5
	Female	2.7	2.6	2.5	2.5	2.4	2.4
(0-18)	<i>Male</i>	<i>12.5</i>	<i>11.2</i>	<i>9.7</i>	<i>9.5</i>	<i>9.3</i>	<i>8.9</i>
	<i>Female</i>	<i>11.7</i>	<i>10.5</i>	<i>9.1</i>	<i>8.9</i>	<i>8.7</i>	<i>8.3</i>
19-64	Male	32.9	32.5	32.3	32.1	32.2	32.2
	Female	32.7	34.6	36.5	36.9	37.3	37.7
65 and over	Male	4.6	5.2	5.7	5.8	5.8	6.0
	Female	5.6	6.0	6.7	6.8	6.8	6.9
All age groups	Male	50.0	48.9	47.7	47.5	47.3	47.1
	Female	50.0	51.1	52.3	52.5	52.7	52.9

* Provisional figures

III. GENERAL PRINCIPLES **(Articles 2, 3, 6 and 12 of the Convention)**

91. The Government is committed to the implementation of the four general principals under the Convention, namely the right to non-discrimination, respect for best interests of the child, right to life, survival and development and respect for the views of the child.

A. Concluding observations – follow up

Committee’s previous recommendations

Article 2 - Non-discrimination

<p><u>Paragraph 33 of the previous Concluding Observations (CRC/C/CHN/CO/2) :</u></p>

<p>The Committee recommended that in the HKSAR, the State party expedite its efforts to draft and adopt legislation prohibiting discrimination on the basis of race or sexual orientation.</p>
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92. Fundamentally, our policy remains as explained in paragraph 38 of Part II of the Initial Report. We are committed to the promotion of equal opportunities for all and firmly believe that all forms of discrimination are wrong. At the same time, we believe that each form of discrimination has its own characteristics, including the particular ways in which they may be manifested in Hong Kong.

Legislation against racial discrimination

93. As foreshadowed in paragraph 39 of Part II of the Initial Report, the HKSAR had reviewed the issue of legislation prohibiting racial discrimination.

94. After gauging the views of the public in a consultation exercise ended in February 2005, the Race Discrimination Bill was passed by the LegCo in July 2008 upon detailed scrutiny.

95. The RDO renders unlawful both direct and indirect racial discrimination in prescribed areas of activity, including particularly education, employment and the provision of facilities and services. It enshrines the internationally accepted principle of proportionality in determining whether there is indirect discrimination. It also makes racial harassment unlawful (i.e. engages in unwelcome conduct, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated by that conduct) in the specified fields. In addition, the RDO prohibits other unlawful acts relating to racial discrimination, including discriminatory practices and advertisements, aiding, instructing or procuring others to discriminate, as well as vilification. While the RDO does not impose an obligation for affirmative actions, special measures designed to meet the special needs of persons of a particular racial group are specifically permitted under the law.

96. The RDO, which came into full operation in July 2009, represents a major step undertaken by the Government on protecting the rights of individuals against discrimination, harassment and vilification on the grounds of race.

97. The EOC, an independent statutory body, is responsible for the implementation of the RDO. The EOC is entrusted under the RDO with the functions and powers to work towards the elimination of discrimination and promote equality of opportunity and harmony between persons of different racial groups. In relation to racial discrimination, it has the power to conduct formal investigations and obtain information in accordance with the RDO. The EOC is empowered to deal with individual complaints and provide legal assistance. In addition, the EOC can make recommendations for changes in policies and procedures to any person, or recommendations to the Government on changes in the law or otherwise, in the light of the findings in its formal investigations. The Government has provided additional resources to the EOC for undertaking these tasks. The EOC issued a Code of Practice on Employment under the RDO which came into operation in July 2009. It gives practical guidance to prevent racial discrimination and harassment, and to promote racial equality and harmony in employment-related matters.

98. Some commentators alleged that the RDO does not offer protection to some groups such as new arrivals from the Mainland. In fact, the RDO applies equally to all persons in Hong Kong, including children, and safeguards their rights against discrimination on the ground of race. It does not exclude new arrivals from the Mainland from its ambit. New arrivals from the Mainland are equally protected by the RDO against discrimination on the ground of race.

99. It is worth noting that the difference between this group and Hong Kong settled majority is not one based on “race”. The vast majority of new arrivals from the Mainland are of the same ethnic origin as that of Hong Kong’s settled majority. It is unlikely that the differences among some in accent, dialect or certain personal habits would divide them into separate ethnic/racial groups.

100. Despite the above, the HKSAR Government is concerned about the difficulties which some new arrivals may at times experience, which are largely similar to those faced by people who move their residence to another place and who have to adapt to a new environment. Hence, the Government has been active in providing support services to new arrivals to facilitate their integration into the community. Services provided include a service handbook, employment, vocational training, education and welfare services.

101. Administrative programmes, measures and support services to facilitate ethnic minorities in Hong Kong to integrate into the community are elaborated under paragraphs 127 to 139 below.

Sexual orientation

102. We note the Committee’s recommendation that the HKSAR should expedite its efforts to draft and adopt legislation prohibiting discrimination on the basis of sexual orientation. Some commentators also called for the introduction of similar legislation. The Administration commissioned an independent consultant to conduct a survey in assessing public attitudes towards homosexuals. According to the result of the survey released in March 2006, 29.7% of the respondents considered that at present, discrimination against homosexuals because of

their sexual orientation was “very serious/serious” in Hong Kong, while about a quarter (25.2%) found the situation “posed little problem/no problem at all”. As regards views on the introduction of legislation to outlaw discrimination on the ground of sexual orientation, 35.4% of the respondents considered that the Government should not legislate at this stage, while 28.7% thought otherwise.

103. Taking into account the survey results, our considered view remains that in the Initial Report, i.e. at this stage, self-regulation and education, rather than legislation, are the most appropriate means of addressing discrimination in this area. We will continue to address discriminatory attitudes through public education and administrative means, with a view to fostering in the community a culture of mutual understanding, tolerance and mutual respect. See paragraph 131 below for the administrative measures in this respect.

Paragraph 34 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

The Committee requested that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of Committee’s general comment No. 1 (2001) on the aims of education.

104. We have undertaken measures and programmes relevant to the Convention in response to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of the Committee’s general comment No. 1 (2001) on the aims of education. These include measures and programmes to take into account the best interests of the child in the provision of protection against racial discrimination,² to ensure the right of all children to the

² For example, in the context of preparing for the Race Discrimination Bill, the Administration met the local universities in early 2008 to discuss allowing more flexibility in the entrance requirement in the subject of Chinese Language for non-Chinese speaking students, as a related issue on the promotion of equal opportunities among students. As a result, local universities now accept the recognition of Chinese

immediate registration of birth, to develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance and to incorporate human rights programme in school curricula. More details are set out at Annex 1.³

Article 3 - Best interests of the child

Paragraphs 35 and 36 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

The Committee was concerned about the limited information provided by the State party for all areas under its jurisdiction on how the principle of the best interests of the child is used as a primary consideration in all actions concerning children. It urged the State party to include in its next periodic report more detailed information on the implementation of Article 3 and on how it ensured that the best interests of the child was a primary consideration in all actions concerning children.

105. In the HKSAR, the best interests of the child are necessary considerations in all relevant decision-making, including legislative proposals and policies, and are taken into account as a matter of course. It is paramount in all actions in the areas of social welfare facilities, courts of law, administrative authorities and legislative bodies. The Convention as applied to Hong Kong will be taken into account in the courts of the HKSAR where appropriate.

106. In the provision of family services, the SWD has adopted a new “integrated family service” model to provide services to users in a holistic, convenient and easily accessible way, under the direction “child-centred, family-focused and community-based” in strengthening families and meeting the changing needs of the community. Details of the model are elaborated under paragraphs 219 to 221 in Chapter V. Updates to paragraph 61 of Part II of the Initial Report regarding

Language proficiency by authorities equivalent to the Hong Kong Examination Authority, such as the General Certificate of Secondary Education (GCSE)(Chinese) examination etc.

³ The first 23 paragraphs of the Programme of Action address matters that do not pertain to the situation of or in HKSAR. Only issues that impinge on HKSAR are set out at Annex 1.

provision of welfare facilities for children are elaborated under Chapters V and VI.

107. In relation to the protection of child, further to the relevant court orders mentioned under paragraph 53 of Part II of the Initial Report, the Government has introduced a new type of court order for enhancing the protection to child victims of domestic violence in 2008. Special units under the SWD and the Police were in place to provide special protection of children, including victims of child abuse, to protect their interests. We are also actively studying the “joint parental responsibility” model proposed by the LRC’s review to enable both parents to maintain an active involvement in the lives of their children after divorce as foreshadowed under paragraphs 58 and 59 of Part II of the Initial Report. These efforts will be elaborated under paragraphs 238 to 241 in Chapter V.

108. In the area of administration of juvenile justice, the Juvenile Offenders Ordinance provides for the establishment of the juvenile courts, for which special procedures and protections are in place to protect the interests of the child or young person (for example, exclusion of media presence during trial if the court considers necessary in the interest of the child or young person). Further to paragraphs 54 to 57 of Part II of the Initial Report, the Legal Representation Scheme has been enhanced to provide a better representation of children in court. Details are elaborated under paragraph 585 in Chapter VIII.

109. In the education field, the Education Bureau (EDB) has implemented the Pre-primary Education Voucher Scheme (PEVS), 12 years of free education and programmes to support disadvantaged and needy students in order to ensure students’ right to education. To protect the best interest of students, the Bureau continues to remind schools of their role in ensuring equal opportunities for participation and learning given to all students and promoting the concepts of equality and equity by eliminating all forms of discrimination. Human rights and related concepts and values are also integrated into the school curriculum. These details are elaborated under paragraphs 496 to 498 of Chapter VII.

110. In the area of family dispute resolution, as an effort to improve the cost effectiveness of the judicial process and to lessen delays, the scope of legal aid covers, since April 2009, mediation in all civil proceedings including matrimonial proceedings. The costs of mediation for such cases can be paid as expenses incurred in connection with the legally aided proceedings. With the new arrangements, it is expected that more families will resolve disputes in divorce and separation by means of mediation.

Article 12 - Respect for views of the child

Paragraphs 38, 39 and 41 of the previous Concluding Observations (CRC/C/CHN/CO/2) :

The committee was concerned that children's views are not sought systematically on all policies and programmes affecting them in the HKSAR. In the light of Article 12 of the Convention, the Committee recommended that the State party strengthen its efforts in Hong Kong to ensure that children have the right to express their views freely on all matters affecting them and to have those views given due weight in policy-making, administrative proceedings, schools and the home. It encouraged the State party to provide more detailed information on this issue, with respect to all areas under its jurisdiction, in the next periodic report.

The Committee recommended that in the HKSAR, the State party systematically ensure that children's organisations participate actively in developing policies or programmes affecting them, such as the current education reform. It further encouraged the State party to consider establishing a standing body to represent children's views in the political process.

111. Children's right to express their views continues to be protected under Article 27 of the Basic Law, which provides that all Hong Kong residents shall have freedom of speech, of the press and of publication. NGOs, including those representing children's interests, have various channels to communicate with the Government. The following paragraphs elaborate on the Children's Rights Forum, a channel established for children and relevant NGOs to exchange views

with Government, and updates on the efforts to collect their views in various policy areas.

Children's Rights Forum

112. As mentioned in paragraph 28 in Chapter I, in view of the observations of the Committee and as one of the means to help ensure that the views of children representatives, children's rights NGOs, and other parties concerned with children's welfare are collected by the Government, the Children's Rights Forum was set up in 2005 to provide a forum for exchanging views on relevant subjects among these stakeholders and the Government. We invited representatives from major organisations which focus on children's rights, as well as children representatives to participate in the Forum. The first meeting was held in December 2005. Forum members meet regularly to discuss matters affecting children. Topics discussed include human rights education in schools, social welfare services for children, Internet safety for children as well as corporal punishment and violence to children. A specific focus is given on the follow-up of the previous Concluding Observations. Representatives of relevant Government bureaux and departments attend the forum on relevant issues, and the views collected are conveyed to the relevant bureaux and departments for follow-up. The agenda, papers and minutes of meeting are uploaded to the website of the CMAB.

113. Some commentators considered the Forum inadequate in the collection and follow-up of views. As elaborated in Chapter I, they considered that the establishment of a Children Commission would provide a better platform for the collection of views of the children and relevant NGOs. We have to point out that views collected from the Forum are given due weight in policy making and other areas. For example, at a meeting in April 2009, Government officials exchanged views with children representatives on various drug testing proposals in a bid to curb the youth drug abuse problem. As appropriate, the comments collected were incorporated in a brief to commission a research project on voluntary school-based drug testing schemes. The progress of the schemes was also further discussed with the Forum in a meeting in September 2009.

114. Some commentators and lawmakers expressed the view that the Forum only allowed limited participation of children representatives and NGOs. We agree that there is room for enhancing children's participation in discussion forums and will seek to enhance their participation in the Forum in consultation with its members.

Channels to collect views

115. Some lawmakers and commentators questioned whether sufficient channel had been provided to children to express their views. In general, in formulating and implementing policies and measures including those affecting children, the relevant Government bureaux and department will make use of available channels to carry out appropriate consultation with stakeholders. This includes consultation with stakeholders and appropriate publicity efforts to solicit views from the public. The civil society, including children and children's organisations can express their views freely in the policy making process. In particular, for children's organisations, besides the Children's Rights Forum, they also have ample opportunities to reflect their views to the Government and discuss with Government officials on various matters of concern affecting children. These include, for example, the Children's Council project (as mentioned in paragraph 63 in Chapter I) which is participated by Government officials and lawmakers. Government officials also meet children's rights organisations from time to time to exchange views on various matters.

116. Another channel is for the organisations to present their views publicly to the LegCo when the latter invites deputations to express views on various subjects. As an open society with a vibrant media sector, the voices of the NGOs are also adequately conveyed to the public through the mass media.

117. As explained in Chapter I, we do not consider that there is a pressing need for the HKSAR to establish an additional standing body to replace the existing channels.

118. For specific sectors, further to the position as presented in paragraphs 65 to 78 of Part II of the Initial Report, updated position in respect of steps taken by different Government bureaux and departments to ensure that individual children and children's organisations participate actively in policies or programmes affecting them are elaborated as follows.

Collection of children's views at schools

119. Students, as one of the major groups of stakeholders in the education sector, are engaged in the discussion of various education policies through different channels. The EDB had sought students' views during the consultation for the New Senior Secondary (NSS) Curriculum and through regular Stakeholder Focus Group Interviews for the curriculum reform since 2002. A total of 502 pieces of views from individual students, 12 from secondary school student councils and eight from university students councils were received by the EDB in the public consultation exercise in 2004. Officers from the EDB and school principals of primary and secondary schools attended the Children's Rights Forum in 2008 to listen to children's views on school policies. During the extensive consultation on the proposed fine-tuning of the medium of instruction arrangements for secondary schools in 2009, students' views were sought, through consultation forums chaired by the Secretary for Education for major stakeholders including students. We also exchange views with school personnel and students on various education issues during regular school visits conducted by the EDB officers.

120. Under the NSS Curriculum starting from Secondary Four in the 2009-10 school year, students' views on the rights of the child would be taken through discussion of related issues in relevant subjects, in particular, the core subject of Liberal Studies.

121. Our schools are required to create a positive, inviting and caring school environment to encourage and facilitate students' participation. Schools are encouraged to consider the views of students that may be collected through the student association or student consultation group when drawing up rules which students have to

observe. Under the School-based Management, Incorporated Management Committees are responsible for the management of the schools and representatives of the Student Alumni and parents are elected members of the Committees. Children's views can be conveyed through these alumni and parent managers.

Multi-disciplinary case conference on child abuse (MDCC)

122. As introduced in paragraph 70 of Part II of the Initial Report, the MDCC is an important mechanism for handling suspected child abuse cases. To strengthen the function and the decision-making process of the MDCC and the role and participation of parents, the "Guide to Participants of the Multi-disciplinary Case Conference on Child Abuse" (Guide for MDCC) was revised in July 2002. A Reference Kit was also produced in June 2003 to supplement the Guide for MDCC and facilitate the operation of the MDCC. Having accumulated more experience in implementation, the SWD has revised both the Guide for MDCC and the Reference Kit and incorporated them into the "Procedural Guide for Handling Child Abuse Cases" (Guide for Handling Child Abuse) published in January 2008 for reference of different professionals in handling child abuse cases.

123. Children and/or their parent(s) are invited to attend part of or the whole MDCC to take part in the formulation and implementation of the welfare plans. A decision to involve a child victim in the MDCC takes into consideration the child's age, level of understanding, maturity and emotional state. The investigating social worker briefs and prepares the child in person prior to the MDCC. In case the child is unable to attend the MDCC or is not invited, the child will be told that a meeting is being held and the child's views and wishes will be conveyed to the MDCC by the investigating social worker or other members of the MDCC. The child is also informed that he/she can give his/her views to the case conference in writing if he/she is unable to attend. The Chairperson appoints a member of the MDCC to convey the decision and recommendation of the MDCC to the child as soon as possible after the MDCC.

Right of young offenders to express their views

124. Young offenders detained in penal institutions may express their views on any matter related to their treatment of detention to any staff of the Correctional Services Department (CSD). They can also send their views to –

- the Complaints Investigation Unit of the CSD;
- visiting Justices of Peace;
- the Independent Commission Against Corruption;
- the Office of the Ombudsman;
- Executive, Legislative and District Councillors; and
- the Chief Executive and senior officials such as the Secretary for Security.

125. All offenders are informed of these avenues through information booklets, notices posted in appropriate places, induction talks, and interviews by officers of the CSD.

B. Comprehensive programmes - monitoring

Article 2 - Non-discrimination

126. The protection and guarantees afforded in law against discrimination are basically the same as described in paragraphs 34 to 51 of Part II of the Initial Report, but with two significant developments - the enactment of the RDO in July 2008 as mentioned under paragraph 93 to 97 above, and the application of the United Nations Convention on the Rights of Persons with Disabilities to Hong Kong in August 2008. Updates on the new developments are elaborated as follows.

Promotion of equal opportunities in respect of race and sexual orientation

127. In respect of the promotion of racial equality, besides legislation, we believe that public education and support services are also important for better integration of ethnic minorities, including

children, into the community. We have, over the years, launched various initiatives to promote racial harmony and to assist integration of the ethnic minorities in Hong Kong.

128. The Committee on the Promotion of Racial Harmony was established in 2002 to advise the Government on public education and publicity in this area. The Race Relations Unit (RRU), established also in 2002 by the Government, serves as the secretariat to the Committee on the Promotion of Racial Harmony and implements the programmes and activities.

129. The RRU has operated a number of programmes to promote racial equality and facilitate the integration of ethnic minorities into society, either directly or through financing NGOs. These include an Equal Opportunities (Race) Funding Scheme to support community based projects, publications and campaigns organised by NGOs to promote racial harmony, a number of which are targeted towards children. Other programmes targeting youth include a cross-cultural learning programme for non-Chinese speaking youth, after-school support programme and school talks on racial harmony. In general, the RRU also sponsored radio programmes in the languages of the ethnic minorities both for their entertainment and to keep them up-to-date with local affairs and important Government announcements, and funded community teams to provide support services to the ethnic minority groups, etc.

130. In 2009, we provided funding for four NGOs to establish and operate regional support service centres for ethnic minorities in Hong Kong. The objective is to provide assistance to ethnic minorities in accessing public services and facilitate their integration into the community. One of the four centres will provide centralised interpretation services, others will organise language training and other support services. The funding grant for the centres involves a total of \$16 million annually as the operating expenses for two years, and a total of \$8 million as one-off start-up costs. We will keep the support services and other measures under review.

131. We have also been promoting equal opportunities for people of different sexual orientation through various measures. In 2004, we set up a Sexual Minorities Forum to provide a formal and regular channel of communication between the Government and persons of different sexual orientation. In 2005, we set up a Gender Identity and Sexual Orientation Unit to promote equal opportunities for people of different sexual orientation. Since 1998, we have been operating a funding scheme to support worthwhile community projects which seek to promote equal opportunities for people of different sexual orientation, including young people, or to provide support services for the sexual minorities. The Administration will continue to promote equal opportunities on ground of sexual orientation through public education and publicity measures such as poster campaigns and broadcasting Announcements in the Public Interest through radio.

Equal Opportunities Commission (EOC)

132. The EOC has continued to carry out its statutory functions to implement the Sex Discrimination Ordinance (Cap. 480), Disability Discrimination Ordinance (Cap. 487) (as reported under paragraphs 36 and 37 of Part II of the Initial Report), and the Family Status Discrimination Ordinance (Cap. 527). Starting from July 2009, the EOC is responsible to implement the RDO. Functions and powers of EOC under RDO include elimination of racial discrimination, promoting equality of opportunity and harmony between persons of different racial groups, handling complaints of racial discrimination, and assisting victims of discrimination in effecting settlements by conciliation or taking legal actions.

Application of the United Nations Convention on the Rights of Persons with Disabilities to Hong Kong

133. The United Nations Convention on the Rights of Persons with Disabilities entered into force for China and applied to the HKSAR on 31 August 2008. States Parties to the Convention undertake to adopt all appropriate legislative, administrative and other measures for the implementation of the rights of persons with disabilities recognised in the Convention. With the existing Disability Discrimination

Ordinance affording protection against discrimination on the ground of disability, and the Mental Health Ordinance (Cap. 136) safeguarding the rights of mental patients, the HKSAR has been well positioned to meet the objectives of this Convention.

134. Measures have been taken to ensure that all bureaux and departments are fully aware of the need to take due account of this Convention's provisions in formulating policies and implementing programmes. The HKSAR Government will also continue to work with the Rehabilitation Advisory Committee, its advisory body on matters pertaining to the rights of persons with disabilities, representative organisations of persons with disabilities and all other sectors to ensure compliance with the Convention, to provide support to promote participation by persons with disabilities in society and to facilitate the enjoyment of their rights under this Convention. The HKSAR Government has also been actively promoting this Convention to the community.

Article 6 - Right to life, survival and development

135. Article 39 of the Basic Law stipulates that the provisions of the ICCPR as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR. As such, the right to life guaranteed under Article 6 of the ICCPR is safeguarded at the constitutional level. In addition to the measures mentioned in paragraphs 62 to 64 of Part II of the Initial Report, we have launched a Project on Child Fatality.

Project on Child Fatality

136. We have launched a two-year Project on Child Fatality since February 2008. The objective of the Project on Child Fatality is to examine the relevant child death cases with a view to coming up with suggestions for improving the current child protection and child welfare services to prevent future cases. More specifically, the Project on Child Fatality identifies the patterns and trends of these cases and considers how related services and systems may be improved and how multi-disciplinary cooperation may be enhanced.

137. An independent and non-statutory Review Panel has been set up by the SWD to conduct the review. All child death cases of children aged under 18 that occurred on or after 1 January 2006 and captured by the Coroners are within the scope of the review. The review findings, recommendations and relevant responses from the concerned bodies or organisations will be presented in the annual report to be published by the Review Panel. An evaluation will be conducted at the end of the two-year pilot period to determine how the review mechanism might be improved.

Registration and investigation of the deaths of children

138. A death registration system is in place in the HKSAR to register and collect information related to deaths occurred locally, including deaths of children. Under the Births and Deaths Registration Ordinance (Cap. 174), all deaths in Hong Kong must be registered in the Deaths Registry of the Immigration Department (ImmD).

139. In accordance with section 20 of the Births and Deaths Registration Ordinance, the registered medical practitioner attending during the last illness of the deceased is required to state the cause of death through a Medical Certificate of the Cause of Death in the prescribed form to be given to some person required by the same ordinance to give information concerning the death, i.e. the qualified informant. The qualified informant would then bring this Medical Certificate to the Deaths Registry for death registration. On the other hand, the Coroners Ordinance (Cap. 504) sets out 20 categories of deaths (shown in Part 1 of Schedule 1 of the Ordinance) which should be reported to the Coroner. When a reportable death occurs, the body will be sent to either a hospital or a public mortuary, where the pathologist will conduct the necessary examination and report the findings to the Coroner. Depending on the information submitted, such as pathologist's/autopsy report and police report, the Coroner may hold an inquest into the death of a person if necessary. The death will be registered following receipt of the cause of death from the Coroner.

140. As regards measures taken to ensure the deaths of children are investigated and reported, the Police handles three main types of death of children report, namely (a) crime related reports (e.g. unlawful killing); (b) non-crime related reports (e.g. suicide); and (c) fatal traffic accident reports. For crime related reports, depending on the seriousness and complexity of the case, the Police would assign crime units at various levels for investigation and subsequent prosecution at court. For non-crime related reports, Miscellaneous Enquiry Sub-Unit of police division concerned will investigate the case. For fatal traffic accidents, Special Investigation Team of regional traffic formation concerned will investigate the case.

141. Investigation units are required to prepare covering reports for seeking legal advice from Department of Justice (DoJ) and applying for case transfer to appropriate judiciary court (i.e. Magistracy, District Court, or Court of First Instance) for hearing. The investigation unit will also prepare a death report of the deceased child to facilitate the Coroner to decide whether to hold a death inquest.

142. Other matters relating to the survival and development of the child, such as the publicity, public education and suicide crisis service to prevent suicide among children, and measures to prevent sexually transmitted disease, are dealt with in detail in Chapter VI.

C. Allocation of budgetary and other resources

143. Budget allocated to the implementation of the four general principles under the Convention spreads across a number of policy areas. Programmes that are relevant to the promotion of equal opportunities and which can be separately calculated are set out below. Please refer to respective Chapters for specific budget allocation under other specific policy areas.

Table 5: Expenditure on programmes relating to equal opportunities in 2007-08 to 2009-10 (\$ million)

Subject	2007-08 (Actual expenditure)	2008-09 (Revised estimates)	2009-10 (Estimates)
Subvention to the EOC	73.1	76.5	80.1
Promotion of equal opportunities in respect of race (including funding for the support services centres for ethnic minorities)	7.7	11.2	24.6
Promotion of equal opportunities in respect of sexual orientation	0.8	0.9	0.9

D. Statistical data

Article 6 - Right to life, survival and development

144. Statistical data relating to the right to life, survival and development, including crude birth and death rates, infant mortality ratio, maternal mortality ratio, fertility rate, and the number of Death of those under 18 due to various reasons, are set out in Tables 6 to 10 below.

Table 6: Crude birth and death rates in 1996, 2001 and 2005-08

	1996	2001	2005	2006	2007	2008
Crude birth rate (per 1 000 population)	9.9	7.2	8.4	9.6	10.2	11.3
Crude death rate (per 1 000 population)	5.0	5.0	5.7	5.5	5.7	6.0

Table 7: Infant mortality ratio in 1996, 2001 and 2005-08

	1996	2001	2005	2006	2007	2008
Infant mortality ratio (per 1 000 live births)	4.1	2.6	2.3	1.8	1.8	1.8

Table 8: Maternal mortality ratio in 1996, 2001 and 2005-08

	1996	2001	2005	2006	2007	2008*
Maternal mortality ratio (number of deaths per 100 000 live births)	3.1	2.0	3.5	1.5	1.4	2.5

* Provisional figure

Table 9: Fertility rate in 1996, 2001 and 2005-08

	1996	2001	2005	2006	2007	2008
General fertility rate (per 1 000 women aged 15-49) excluding foreign domestic helpers	37.4	26.8	26.1	27.0	28.3	29.3

Table 10: Number of death of those under 18 due to various reasons in 2005-08

	2005	2006	2007	2008
(Registered death) Due to illness in				
• HIV	0	0	0	0*
• Malaria	0	0	0	0*
• Tuberculosis	0	0	0	0*
• Acute poliomyelitis	0	0	0	0*
• Viral hepatitis	0	0	0	0*
• Acute respiratory infections	13	17	9	11*
As a result of traffic accidents	3	11	6	7
As a result of crime and other form of violence	4	5	4	10

* Provisional figure

Article 12 - Respect for the views of the child

Schools with student unions

145. Most of the secondary schools in HKSAR have student unions. In the 2008-09 school year, around 93% (or 376 out of 406) aided and government secondary schools have students unions. We do not collect such data from primary schools.

E. Factors and difficulties

Legislation against discrimination on the grounds of sexual orientation

146. The Committee recommended the adoption of legislation prohibiting discrimination on the basis of sexual orientation. Such views are shared by some commentators. However, sexual orientation is a sensitive issue that impinges on deeply ingrained values and notions of morality. There are diverse views within the community on whether to legislate against discrimination on ground of sexual orientation. While there have been calls for the Government to legislate, there has been equally strong opposition from some sectors of the community on grounds of religious belief and family values. The Government does not consider it appropriate to introduce any such legislation in the circumstance. We will continue to promote equal opportunities on grounds of sexual orientation through public education and publicity with a view to nurturing a culture of mutual understanding, respect and tolerance within the community.

IV. CIVIL RIGHTS AND FREEDOMS
(Articles 7, 8, 13 to 17 and 37(a) of the Convention)

147. The fundamental civil rights and freedoms in Hong Kong for adult and children alike, including the freedom of expression, freedom of thought, conscience and religion, right to freedom of association and right of peaceful assembly, right to privacy, etc. continue to be protected under the Basic Law, the Hong Kong Bill of Rights Ordinance, and other relevant legislation.

A. Concluding observations – follow up

Article 37(a) - The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

Corporal punishment

Paragraphs 47 and 48 of the previous Concluding Observations (CRC/C/CHN/CO/2) :

The Committee was concerned that corporal punishment within the family is not prohibited by law and continued to be practiced in the home in the HKSAR. It urged the State party, in all areas under its jurisdiction:

- (a) to explicitly prohibit by law corporal punishment in the family, schools, institutions and all other settings, including penal institutions;
- (b) to expand public education and awareness-raising campaigns, with the involvement of children, on alternative non-violent forms of discipline in order to change public attitudes about corporal punishment.

148. As mentioned in paragraphs 137 to 138 of Part II of the Initial Report, corporal punishment is prohibited in schools (under Education Regulations (Cap. 279A)), correctional institutions, and childcare centres (under Child Care Services Regulations (Cap. 243A)).

149. Concerns were raised by the Committee as well as a number of commentators regarding corporal punishment within the family, and the lack of its explicit prohibition by law. We would like to clarify that while there is no prescribed provision under the existing law that prohibits corporal punishment inflicted by parents on their children, it does not mean that parents can use violence against their children. Pursuant to section 27(1) of the Offences Against the Persons Ordinance (Cap. 212), it is unlawful for a person aged over 16, including a parent, who has the custody, charge or care of a child or young person under the age of 16, to wilfully assault or ill-treat the child or young person, or causes such child or young person to be assaulted, ill-treated in a manner likely to cause such child or young person unnecessary suffering or injury to his health. If convicted, the person shall be liable to a maximum penalty of 10 years' imprisonment. The number of persons convicted of such offence in 2005, 2006, 2007 and 2008 are 27, 27, 31 and 74 respectively. Persons inflicting corporal punishment may also be convicted of assault occasioning actual bodily harm or common assault respectively under sections 39 and 40 of the Offences Against the Persons Ordinance, and subject as such to a maximum penalty of one to three years' imprisonment.

Non-violent forms of discipline

150. As to whether corporal punishment in the family that may not constitute criminal offences under the existing laws should be prohibited by law, we note that laws in other jurisdictions are developing, and the issue was proven to be a controversial one even in Western culture. We do not consider that legislation at this stage would be the most effective means of dealing with the issue in Hong Kong. Rather, public education and intervention by professionals are considered more effective. The SWD will continue to enhance public awareness of the importance of child protection and promote parenting skills through various public education initiatives. The SWD will also encourage parents to seek early assistance from professionals if needed, and avoid using violence in disciplining their children. Social workers will offer advice to parents and help them understand and adopt non-violent discipline. In 2008-09, the SWD rolled out a range of family education, publicity and community involvement programmes to

promote the values, ethics and individual responsibilities that are important for family harmony.

151. In this connection, in complementing the legal prohibition of corporal punishment in schools, schools are advised, in the School Administration Guide published by the EDB, to achieve good discipline through democratic means and to make use of praise and rewards to induce good behaviour. If disciplinary measures have to be taken in handling misbehaviour, punishment should be meaningful and educational. A monitoring system should be set up to ensure that punishment is not overused and that under all circumstances, school discipline should be administered in a manner consistent with the child's human dignity and in conformity with the law. Besides, the EDB also advocates the whole school approach to school discipline work through the Guidelines on Student Discipline, which is accessible at the EDB's website. Under this approach, schools are advised to involve teachers, parents and students in developing behaviour standards. To promote respectful and caring culture in schools, the EDB also supports NGOs in organising award schemes and producing resource packages for schools' use.

B. Comprehensive programmes – monitoring

Articles 7 and 8 - Name and nationality and preservation of identity

152. The position regarding name and nationality and preservation of identity largely remains as explained respectively in paragraphs 79 to 90 of Part II the Initial Report.

153. We mentioned in paragraph 83 of Part II of the Initial Report that entries to the "Adopted Children Register" was directed by adoption orders of the Court. In September 2005, the Standing Committee of the National People's Congress ratified the 1993 Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (the Hague Convention) and applied it also to the HKSAR. On 1 January 2006, the Hague Convention came into force in the PRC (including the HKSAR). Amendments were made to

the Adoption Ordinance (Cap. 290) to give effect to the Hague Convention in the HKSAR. Henceforth, the Director of Social Welfare will, where appropriate, provide the necessary information to the Registrar of Births and Deaths to facilitate the registration of the adoption order granted overseas. Hence entries in the “Adopted Children Register” will be entered as directed by adoption orders of local Court or according to the information from the Director of Social Welfare for adoption order granted overseas as appropriate.

Article 13 - Freedom of expression

154. The position remains as explained in paragraphs 91 to 94 of Part II of the Initial Report. Furthermore, Article 39 of the Basic Law enshrines the provisions of the ICCPR as applied to Hong Kong.

Article 14 - Freedom of thought, conscience and religion

155. The position remains as explained in paragraphs 115 and 116 of Part II of the Initial Report.

Religious education in school

156. Some commentators were of the view that some schools run by religious organisations attempt to restrict the spare time activities of students on religious grounds, and require students to work on assignments of religious studies that are at odds with the students’ own religious belief. Specifically, they considered that schools run by religious organisations should notify parents of their right to withdraw their children from religious class.

157. Article 32 of the Basic Law of the HKSAR stipulates that Hong Kong residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public. At the same time, Article 137 states that “schools run by religious organisations may continue to provide religious education, including courses in religion”. Article 141 states that the Government of the HKSAR “shall not restrict the freedom of religious belief, interfere in the internal affairs of religious organisations or restrict religious

activities which do not contravene the laws of the Region”.

158. The Government of the HKSAR adheres strictly to the provisions of the Basic Law to protect religious freedom of the child. Information on religious education provided by schools with or without religious background is widely accessible to the public, for example, through the Schools Profile published by the EDB, to inform parents before they select schools for their children. Parents could therefore make informed choices of sending their children to schools without religious education or with education of a particular religion. As stated in the Initial Report, children may also withdraw from religious education in school with the consent of their parents. Conversely, parents may request schools to provide opportunity for their children to observe religious rituals or to form religious base groups as appropriate.

Article 15 - Freedom of association and of peaceful assembly

159. The position remains as explained in paragraphs 117 to 120 of Part II of the Initial Report. The freedom of association and of peaceful assembly continues to be protected by the Basic Law. The Societies Ordinance (Cap. 151) and the Public Order Ordinance (Cap. 245) remain the principal legal instruments for the regulation of formation of societies, and public meetings and processions, respectively. In 2005-08, there were 12 239 public meetings and public processions. The Police exercised its power of objection and prohibition under the Public Order Ordinance on only three occasions (one involved objection to public procession while two involved both prohibition of public meeting and objection to public procession), all on the ground of public safety and public order or the protection of the rights and freedoms of others. Appeals were raised in respect of the three occasions. An independent appeal board upheld the Police’s decision in the case involving only objection to public procession; as regards the other two cases involving both prohibition of public meeting and objection to public procession, the appellant withdrew the appeal in one case while the Board allowed the event to be held with condition imposed in the other. See paragraph 183 below on the relevant statistics.

Article 16 - Protection of privacy

160. There are a number of measures to protect children's privacy, as discussed in paragraphs 123 to 129 of Part II of the Initial Report.

Review of Personal Data (Privacy) Ordinance

161. The Administration, with support of the Privacy Commissioner for Personal Data, has conducted a comprehensive review on the Personal Data (Privacy) Ordinance (Cap. 486) to examine whether its existing provisions still afford adequate protection to personal data having regard to developments, including advancement in technology, in the last decade. As a number of proposed amendments to the Ordinance may have profound impact on various sectors of the community, public and private organisations as well as members of the public, we are seeking views from the community on the proposals through a public consultation exercise. Of these amendment proposals, a few would have implications on rights of children. These include:

- (a) the proposal to empower a third party to give prescribed consent on behalf of a data subject to change the use of personal data, on condition that the data subject is incapable of giving prescribed consent as he does not have a sufficient understanding or intelligence to enable him to fully understand what is being proposed to him, and the proposed use of the personal data involves a clear benefit to the data subject. Data subjects most likely to be affected would include children;
- (b) the proposal to permit a data user to refuse a request for access to personal data made by parents on behalf of a minor when compliance with the request is not in the minor's best interests; and
- (c) the proposal to allow data users to transfer personal data of a minor that are relevant to parental care and guardianship to the parents or guardian of the minor, to enable the latter

to better fulfil their responsibility to exercise proper care and guardianship of minors.

162. After the consultation, we will consolidate the views received. When we have general directions on the way forward, we will arrange for further public consultation on possible legislative proposals.

Article 17 - Access to appropriate information

Children's programme on television

163. As explained in paragraph 95 of Part II of the Initial Report, the domestic free television programme service licensees are required under their licences to broadcast a minimum of two hours of children's programmes⁴ daily on each of their channels and at prescribed times.

164. The Broadcasting Authority conducted a review of the domestic free television programme services in 2002. After taking into account the public opinions received during the review, the Authority recommended that the licences be renewed in 2003 subject to certain amendments. In relation to television programmes for children, out of the prevailing requirement of a minimum of 14 hours of children's programmes per week on the English channels, the domestic free television programme service licensees are required to provide two hours of programmes per week with educational value targeting teenagers with the provision of English subtitling.

165. Some commentators suggested to revise the timetable for television programme for children and set up an advisory panel of educationalists and psychologists to advise on children's programmes. At present, free-to-air television broadcasters are required to provide a minimum of two hours daily of children programmes between 9:00 am to 7:00 pm on each language channel. Besides, nothing unsuitable for children shall be broadcast between 4:00 pm to 8:30 pm. This serves to strike a balance to allow scheduling flexibility to cater for the needs

⁴ "Children's programmes" are programmes designed specifically for children up to and including the age of 15.

of children as well as general viewing public and protect children viewers. Regarding the proposed advisory panel on children's programmes, we consider that the editorial decision, freedom of expression and creativity of the licensees should be upheld and the regulator should not interfere in the matter.

Educational television programmes

166. We mentioned in paragraph 96 of Part II of the Initial Report that curriculum-based educational television programmes for primary and secondary schools students are produced for schools by Radio Television Hong Kong (RTHK) in collaboration with the EDB. Since 2003, programmes for students of pre-primary schools have also been produced.

167. Besides being broadcast through domestic free television stations, the educational television programmes are also available at eTVonline (www.eTVonline.tv), an online educational platform launched by RTHK in 2000 that offers entertainment content as well. The website also provides an on-demand archive of more than 4 800 programmes for review. Contents of special topics are also designed for all schools in Hong Kong for interactive teaching and learning.

Access to the Internet

168. Penetration of home computer and Internet access, particularly that for children, has further increased since the Initial Report. A survey conducted in July to September 2008 indicated more than 70% of the Hong Kong households had computer at home connected to the Internet. For primary and secondary school students aged 10 and above, over 97% have computer and Internet access at home.

169. The Government has actively facilitated computer/Internet access in public areas, including those visited by children. To that end, we have installed some 5 800 public computers with Internet access in various places, including public libraries and youth and social centres. They are available to the public free of charge. We have also launched the GovWiFi Programme to progressively install Wi-Fi facilities starting

from early 2008 at Government premises in different districts including public libraries, Public Enquiry Service Centres of the HAD, sports centres, cultural and recreational centres, job centres, community halls, large parks and Government joint-user buildings, to provide free wireless Internet access services to the general public. Furthermore, we commenced in early 2009 the pilot scheme of District Cyber Centres to provide computer hardware and software, Internet connections, training and content to children from low income families and other needy local residents in different districts.

170. Some commentators raised concern that some students are not able to afford having access to Internet to complete school work that require the use of online resources. The Government has launched various measures to support students from low income families in using computers and the Internet. For instance, we have granted recurrent subsidy to all primary and secondary schools to facilitate them to open up computer rooms for the students' use after school. In addition, we launched two rounds of computer recycling programme in 2005 and 2009 respectively for needy students of primary and secondary schools. Under the programme, refurbished computers together with one-year free Internet access service are provided to eligible students from families in receipt of CSSA or financial assistance under the School Textbook Assistance Scheme. Moreover, we have negotiated with designated Internet service providers to offer the beneficiaries under the programme a favourable service plan for two further years after the initial year of free service.

171. The Government-established "HKEdCity.net" website, as mentioned in the Initial Report, continues to act as the largest one-stop professional educational portal in Hong Kong providing information, resources, interactive communities and on-line services for schools, teachers, students and parents to share views and experiences, and to promote the use of information technology in improving the effectiveness of learning and teaching.

Information security and online safety

172. Some commentators advocated strengthening safe cyber education and some expressed concern that children spend too much time in surfing the Internet. The Government attaches great importance to information security in the community, in particular the safety of youngsters when connecting to the Internet. We believe it is very important to help youngsters develop the proper attitude of using the computer and the Internet, as well as the appropriate conduct of behaviour and code of ethics. Since the start of 2008, relevant departments of the Government, in collaboration with some Information Technology security associations, have organised visits to schools in various districts. We have arranged more than 30 briefings and forums with more than 8 000 teachers and students participated. Through these events, we have introduced relevant Information Technology security knowledge and the proper attitude of using the Internet, as well as shared with them experiences of online safety and protection. We have also discussed the issue at the Children's Rights Forum in July 2008.

173. We have launched a one-year territory-wide Internet education campaign, "Be NetWise", in September 2009 to further promote the safe and healthy use of the Internet, targeting students of primary and junior secondary schools. It also aimed to help parents and teachers to acquire the knowledge and skill to provide guidance to their children and students on the use of Internet. The campaign included large-scale promotion events, roving exhibitions and training in districts, school talks, inter-school activities, telephone hotline support, home visit technical assistance, etc. covering a wide range of issues such as respect for personal data privacy and intellectual property rights, avoidance of Internet addiction, and information security. A sum of \$63 million is allocated to the campaign. A number of NGOs, including the Hong Kong Federation of Youth Groups and 13 other youth-related NGOs have joined the campaign.

Cultural programmes/library services for children

174. Cultural and arts programmes and library services are elaborated in detail in paragraphs 503 to 510 and 515 to 517 respectively in Chapter VII.

Protection of children from injurious material

Regulation of radio and television programmes

175. The Broadcasting Ordinance (Cap. 562) and the Broadcasting Authority Ordinance (Cap. 391) govern the content of television and sound broadcasts. The details are as mentioned in paragraphs 103 to 105 of Part II of the Initial Report. The outcome of the review as mentioned in paragraph 106 of Part II of the Initial Report is explained in paragraph 164 above.

Films, videotapes and laser discs

176. The framework on film classification as mentioned in paragraphs 107 to 109 of Part II of the Initial Report remains valid. Our policy is to allow adults wide access to films while protecting young people under the age of 18 years from exposure to material which might be harmful to them. Under the Film Censorship Ordinance (Cap. 392) all films intended for public viewing in Hong Kong are subject to classification by the Film Censorship Authority, who is the Commissioner for Television and Entertainment Licensing, and it is an offence to exhibit a Category III film (i.e. a film classified for persons aged 18 or above only) to a person under the age of 18 years. The first or second conviction is liable to a fine of \$50,000, rising to \$100,000 for the third and subsequent convictions. Regular surveys of community views and consultation with a statutory panel of advisers⁵ ensure that the classification standards are attuned to those of the community.

⁵ The panel comprises about 300 members from a wide cross-section of the community.

Control of obscene and indecent articles

177. For articles that are not for public exhibition, the position remains the same as in paragraphs 110 to 114 of Part II of the Initial Report. The policy objective in the control of obscene and indecent articles is to protect public morals and young people from harmful effects of obscene and indecent materials while preserving the free flow of information and safeguarding the freedom of expression.

178. In October 2008, the HKSAR Government launched a four-month consultation exercise on a comprehensive review of the Control of Obscene and Indecent Articles Ordinance (Cap. 390). Town hall meetings and focus group discussions were organised. The town hall meetings were open to Members of District Councils and members of the public. The focus group discussions engaged representatives from various sectors, including women, youth, information technology, education, press and publication, culture and arts, civic rights and social moral. A public opinion survey was also conducted. The consultation period ended on 31 January 2009. Over 18 800 submissions from individuals and organisations were received during the consultation period. Taking into account all the views collected, the Government is preparing more concrete proposals to improve the regulatory regime for a second round of consultation to be held in 2009-10.

Article 37(a) - The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

179. As mentioned in paragraph 130 of Part II of the Initial Report, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment applies to Hong Kong since 9 December 1992 and continues to apply to the HKSAR when the PRC resumed the exercise of sovereignty over Hong Kong on 1 July 1997. The Convention was implemented by the Crimes (Torture) Ordinance (Cap. 427) in Hong Kong. From 2001 to April 2009, there were no

arrests under the Crimes (Torture) Ordinance. The Committee Against Torture heard the second report of the HKSAR in November 2008.

Death of children in custody

180. Following the submission of the Initial Report till the end of 2008, there was no case of death of children in the SWD's correction homes and police custody.

Programmes implemented for the prevention of institutional violence and amount of training provided to staff of institutes

181. Topics related to prevention of institutional violence are covered in the induction/basic training courses for disciplined staff of the CSD. After completion of the induction/basic training, all disciplined staff are required to attend regular in-service training (training organised at institutional level) and development training (systematic training centrally organised by the Staff Training Institute) and materials on prevention of institutional violence are diffused in such training.

C. Statistical data

Registered birth

182. The numbers of registered births in HKSAR during 2004-08 are provided in Table 11.

Table 11: Total number of registered births in 2004-08

	2004	2005	2006	2007	2008
Total number of registered births	48 960	57 175	65 232	70 445	78 786

Freedom of assembly and of association

183. A breakdown of the number of public meetings and public processions in 2005-08 is provided in Table 12.

Table 12: Number of public meetings and public processions in 2005-08

	2005	2006	2007	2008	Total
Number of public meetings (Public meetings prohibited by the Police)	1 013 (0)	1 291 (0)	2 856 (2)	3 280 (0)	8 440 (2)
Number of public processions (Public processions to which the Police raised objection)	887 (0)	937 (0)	968 (3)	1 007 (0)	3 799 (3)
Total no of public meetings and public processions that were not prohibited/objected to	1 900	2 228	3 824	4 287	12 239

Societies Registration/Exemption

184. From 2005 to 2008, 8 624 societies were registered or exempted from registration. The Police did not reject any application for the formation of a society. The respective numbers of society registration and exemption from society registration are –provided under Table 13.

Table 13: Number of society registration and exemption from society registration in 2005-08

	2005	2006	2007	2008	Total
Society Registration	1 855	2 161	1 922	2 417	8 355
Exemption from Society Registration	95	44	58	72	269
Total	1 950	2 205	1 980	2 489	8 624

D. Factors and difficulties

185. Our considerations in response to Committee's remarks to prohibit by law corporal punishment in the family are set out in paragraphs 148 to 151 above. We will continue to deal with the issue through public education and intervention by professionals, and keep in view the developments of law in other jurisdictions in this regard.

**V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE
(Articles 5, 9 to 11, 18(1) and 18(2); 19 to 21, 25, 27(4) and 39
of the Convention)**

A. Concluding observations – follow-up

Article 10 - Family unification

Paragraph 50 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

The Committee raised concerns that existing quotas for persons entering the HKSAR from the Mainland and regulations regarding the right of abode in the HKSAR contributed to the separation of children from their parents and hinder family reunification.

186. Under the Basic Law of the HKSAR, for entry into the HKSAR, people from other parts of China must apply for approval. At present, Mainland residents who wish to settle in Hong Kong need to apply for and obtain a Permit for Proceeding to Hong Kong and Macao (the Permit). The Permit Scheme is administered by the CPG.

187. We attach great importance to the wishes for family reunion, though such wishes are not and should not be the sole consideration in the relevant immigration arrangements. The Permit Scheme aims to help ensure that Mainland residents settle in Hong Kong in an orderly manner. In any case, having regard to the prevailing circumstances, which were elaborated in paragraphs 169 to 178 of Part II of the Initial Report, the HKSAR Government will continue to exchange views with the CPG from time to time with a view to suitably refining the Scheme. The relevant refinements in recent years include relaxing the age limit for applications by accompanying children of spouses from 14 to below 18, and removing the restriction that only one accompanying child was allowed in 2003. In January 2009, the waiting time for the Permit for spouses and their accompanying children was further shortened from five years to four years.

Article 21 - Adoption

Paragraph 53 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

The Committee recommended that the State party:

- (a) extend the application of the 1993 Hague Convention to the HKSAR as soon as possible; and
- (b) ensure that the legal provisions of the 1993 Hague Convention are incorporated into domestic legislation in the HKSAR.

188. The Committee recommended that the State party should extend the application of the Hague Convention to the HKSAR and ensure the incorporation of its legal provisions into domestic legislation in the HKSAR. As mentioned in paragraph 153 of Chapter IV of Part II of this report, the Hague Convention entered into force for the PRC including HKSAR on 1 January 2006. To give effect to the Hague Convention in the HKSAR, we amended the Adoption Ordinance with effect from the same date and improved local adoption arrangements. The details are given in paragraph 258 below.

Article 19 - Abuse and neglect

Paragraphs 55, 56 and 58 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

The Committee raised concerns that policies and programmes to assist child victims of violence were not fully effective, and recommended that efforts to combat abuse, neglect, violence and maltreatment be strengthened, including through mandatory reporting requirements for staff working with children, such as doctors, teachers and social workers, and the establishment of specific helplines accessible and available to children.

The Committee also recommended that in respect of the HKSAR, the State party:

- (a) define in a more explicit manner the forms of sexual abuse and increase education and training for professionals working with and for children on the identification, handling and prevention of all forms of abuse;

- (b) strengthen coordination and follow-up of individual cases of abuse, neglect and maltreatment and ensure that all victims of any form of abuse, and their families, have access to social services and assistance; and
- (c) ensure that investigations are handled without discrimination on the basis of whether the alleged perpetrators are within or outside the family.

189. The Government has accorded high priority to the prevention of domestic violence and provision of support to victims of domestic violence. Over the years, substantial enhancements have been made to our measures to combat child abuse, neglect, violence and maltreatments. The key measures are set out in paragraphs 190 to 215 below.

Legislative measures

190. The legislative framework relevant to the protection of children from abuse and providing safeguards and support for child witnesses was explained in paragraph 223 of Part II of the Initial Report. The ordinances include the Offences Against the Person Ordinance and the Crimes Ordinance which provide extensive legal protection for children against physical and sexual abuse; the Evidence Ordinance (Cap. 8) and the Criminal Procedure Ordinance which provide statutory safeguards for child witnesses to give testimony in court by way of video-recorded interviews or through live television link, and allow support persons to accompany child witnesses to give evidence in court under the “Witness Support Programme” administered by the SWD; the Protection of Children and Juveniles Ordinance (Cap. 213) which empowers the court to grant a care or supervision order in respect of a child or juvenile who have been abused, ill-treated, neglected, or beyond control to the extent that harm may be caused to them or others; and the Domestic Violence Ordinance which provides protection and civil remedies to a range of domestic violence victims in specific relationship.

191. After a comprehensive review of the Domestic Violence Ordinance, the Government introduced an amendment bill into the

LegCo in June 2007 to enhance protection for victims of domestic violence, including children. Since the commencement of the amended Domestic Violence Ordinance on 1 August 2008, minors who are under the age of 18 can apply for an injunction order in their own right by their next friends against molestation by their parents or relatives, whether or not they are residing with their abusive parents or relatives. The court has also been empowered to vary or suspend a custody or access order relating to a minor when it grants an injunction excluding the abuser from certain places.

Administrative measures

192. Since the Initial Report, we have further enhanced our various collaborative efforts on prevention and handling of child abuse, as well as providing additional resources in the area. The enhanced measures and new initiatives are updated as follows.

Procedural Guide for Handling of Child Abuse Cases

193. The HKSAR Government takes a multi-disciplinary approach, involving professionals who may come into contact with the child, to protect children from abuse. To tie in with new developments in various services for children in recent years and further strengthen the effort and collaboration of different professionals in handling child abuse cases, the Guide for Handling Child Abuse was revised and published in January 2008.

194. The Guide for Handling Child Abuse provides guidance on the way Government departments, NGOs and other concerned sectors should work together to serve the best interest of children and to provide protection to children having been, or suspected to have been, abused. It defines child abuse as any act of commission or omission that endangers or impairs the physical/psychological health and development of an individual **under the age of 18**. (Please see paragraphs 622 in Chapter VIII for the issue of sexual abuse, including its definition.) The philosophy and governing principles of the Guide for Handling Child Abuse are based on the Convention, including serving the best interest of the children, and encouraging the children's participation and

attending to their wishes and feelings at different stages including investigation and assessment.

195. The Guide for Handling Child Abuse provides comprehensive guidance, including the basic knowledge on the definition and legal aspects; early identification by all parties concerned (including social services units, schools, hospitals and clinics, public housing authorities, etc.); referral, enquiry and investigation principles and procedures; multi-disciplinary case conference and follow-up services. Throughout the guidance, it is emphasized that the welfare of the child is the paramount concern. The Guide is available from the website of the SWD for reference of all professionals -

http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_fcwprocedure/id_childabuse1998/

Handling of cases

196. As specified in the Guide for Handling Child Abuse, in providing any child protection intervention, the child's interests take precedence over the rights of the parents and the criminal prosecution of any alleged perpetrator. Both the SWD and the Police have specialised units to handle and protect the child in abuse cases. They are the Family and Child Protective Services Unit (FCPSUs) of the SWD (see paragraph 204 below), the Child Protection Policy Unit (CPPU) of the Police Headquarters, and five Child Abuse Investigation Units (CAIUs) at the Regional level of the Police. Within 10 days after receipt of referral, multi-disciplinary case conferences are held to formulate appropriate welfare plans to protect the safety and welfare of abused children. There are often situations, for sexual abuse and other serious or organised cases of abuse, where police officers, the SWD officers and, where necessary, clinical psychologists conduct joint investigation under a multi-disciplinary approach. The Regional CAIUs of Police, the FCPSUs of the SWD and clinical psychologists of the SWD have set up the Child Protection Special Investigation Team to handle allegation or suspicion of such cases.

197. To ease child witnesses' anxiety in recounting their ordeals, the Police have set up Vulnerable Witness Interviewing Suites to provide a friendly environment and "one-stop" facilities for conducting video-recorded interview and, if necessary, forensic examination.

198. Regarding concerns about discrimination on the basis of whether the alleged perpetrators are within or outside the family, it should be emphasized that follow-up actions to the cases are taken with the safety and welfare of the children as paramount consideration in close collaboration with all parties involved, in a multi-disciplinary approach involving the Police and the SWD. Necessary enquiry and investigation are undertaken by personnel with special training. There is no discrimination based on the identity of alleged perpetrators.

199. In fact, our criminal law tackles all acts of violence, irrespective of the relationship between the abuser and the victim, and independent of where the violent acts occur. The Police handle all child abuse reports professionally, and conduct thorough investigation according to the circumstances of each report. With sufficient evidence of an offence, the Police will take firm and decisive action to effect arrest and prosecution as appropriate. The prosecuting authorities also accord priorities at all stages of the legal proceedings, and implement various measures to facilitate fast-tracking of cases involving vulnerable witness.

Training of professionals and practitioners

200. Besides wide dissemination of the Guide for Handling Child Abuse above to different professionals, over the past few years, the SWD has provided a series of training programmes on handling domestic violence (including child abuse) and helping traumatised children and their families for social workers and other relevant frontline professionals, including legal professionals, the police, teachers, clinical psychologists and medical and health professionals. Overseas trainers are invited to conduct workshops to strengthen frontline practitioners' knowledge and skills in the assessment, management and treatment of child abuse cases. Besides, the SWD and the Police regularly run joint training programmes on the conduct of

investigations of child abuse cases victims for social workers, police officers and clinical psychologists. These programmes aim to equip participants with the knowledge and skills they need in handling and interviewing victims of child abuse. A refresher training programme is also offered to update trained interviewers on the latest developments in law, professional knowledge, procedures and techniques relating to child abuse investigations.

201. The Police have issued guidelines to frontline officers setting out, inter alia, the circumstances under which a victim should be referred to medical and social services. The CPPU of the Police also conduct awareness training on the subject of child abuse for police officers attending criminal investigation and promotion courses. A Child Abuse Investigation Train-the-trainer Programme is organised every three years to provide training for newly selected trainers and to validate the qualification of existing trainers. To enhance multi-disciplinary collaboration and communication in child protection, the SWD and Police jointly provide child abuse-related training for court prosecutors and Government Counsel.

Child Protection Registry

202. Through the joint efforts of the SWD, NGOs and the Hong Kong Council of Social Service, a computerised record system entitled the Child Protection Registry (CPR) has been devised. Under the administration of the SWD, CPR carries functions of case registration, case checking as well as facilitating statistical research. All the SWD and NGO service units providing casework service are requested to report child abuse cases and children found at risk of abuse to CPR. The main objectives of CPR are to facilitate communication among Government departments and NGOs which handle child abuse cases and the planning and development of services which prevent child abuse, including the planning of public education programmes. The relevant statistics are provided in Tables 16 and 17.

Enhanced Domestic Violence Central Database

203. The Police maintain an Enhanced Central Domestic Violence Database which captures information of domestic violence, child abuse, elder abuse and missing persons in the past three years. It automatically generates alert messages on repeated domestic violence incidents occurring within a defined period of time for the attention of supervisory officers. The database will facilitate better assessment of individual cases and enable officers to make more informed judgement of the circumstances and the risk level of the case.

Family and Child Protective Services Unit (FCPSUs)

204. Further to paragraphs 61 and 224 of Part II of the Initial Report which mentioned the functions of the Child Custody Services Unit and the FCPSUs, for more efficient delivery of services, the FCPSUs have taken up child custody cases in addition to child abuse and battered spouse cases since March 2002 through amalgamation with the Child Custody Services Units. The FCPSUs are now specialised units manned by experienced social workers. They provide a co-ordinated package of one-stop service for victims, their families and batterers in child abuse and battered spouse cases, as well as children and their families affected by custody, guardianship, or international child abduction matters. A multi-disciplinary approach is adopted to help the victims and children tide over the difficult period, lessen trauma associated with violence and live a new life. Such services include public enquiries, outreach service, social investigation, crisis intervention, casework counselling, group treatment, referring children in need to other appropriate services (e.g. clinical psychological services, refuge centres, housing and financial assistance, etc.) and statutory supervision to children.

205. In view of the increasing service demand, additional resources have been allocated to strengthen the manpower of the FCPSUs in the past few years. The number of FCPSUs has increased from five teams in 2000-01 to 11 teams in 2007-08, and the number of social workers serving in the FCPSUs has increased from 55 in 2000-01 to 167 in 2008-09. 12 additional social workers will be allocated to the FCPSUs to further strengthen their manpower.

206. In addition, the SWD has introduced different measures to alleviate the workload of social workers of the FCPSUs over the past few years. These include deploying non-social work staff to provide assistance to social workers, enhancing multi-disciplinary collaboration with the Police and medical services to handle cases of domestic violence, enhancing support services like refuge centres for women and child care services and strengthening training, supervisory and clinical support for frontline social workers. The SWD will continue to keep in view the workload and manpower situation of the FCPSUs and consider improvement measures where necessary.

Crisis Centres

207. The Family Crisis Support Centre (FCSC) and the Multi-purpose Crisis Intervention and Support Centre (Crisis Centre) were set up in 2001 and 2007 respectively providing 24-hour hotline and short-term accommodation services. The FCSC serves individuals and families (including children) facing crisis, drastic changes in life, distress or trauma. The Crisis Centre provides crisis intervention and support services to victims of sexual violence, as well as individuals and families facing domestic violence.

The SWD departmental hotline

208. The SWD enhanced its departmental hotline in October 2008 through commissioning an NGO to operate the hotline after the SWD's office hour and an outreaching service team such that the hotline can be operated on a 24-hour basis with the provision of after office-hour outreaching service for needy cases. The enhancement increases the likelihood of early identification - and hence prevention - of child abuse. Social workers manning the hotline provide immediate counselling to victims of abuse, including children, and families with child discipline problems.

Refuge centres

209. To further strengthen the support services to victims of family violence, additional resources have been provided in the past years to enhance the services and increase the number of refuge centres from three to four in 2002. Their capacity has also been increased from 120 in December 2001 to 195 in December 2008.

Pilot Project on Child Fatality Review

210. As mentioned in Chapter III under paragraph 136, the Pilot Protect on Child Fatality Review was launched in February 2008 to examine relevant child death cases with a view to coming up with suggestions for improving the current child protection and child welfare services, so as to prevent future cases. For details of the project, please refer to paragraphs 135 to 137 in relation to Article 6 of the Convention.

Services for Batterers

211. In order to reduce the risk of domestic violence, it is necessary to break the cycle of violence. Services for batterers have been another important work focus of the SWD. Apart from individual counselling and treatment, a two-year “Pilot Project on Batterer Intervention Programme” (BIP) was launched by the SWD and an NGO in January 2006 in order to identify effective treatment modalities for batterers. The BIP was completed in March 2008. Specialised treatment was provided to a total of 267 batterers in 33 groups. The BIP has proved effective in helping abusers change their behaviour. The SWD has continued to conduct BIP after the Pilot Project for abusers, including the probation cases or bind-over cases as required by the Probation Officers or the court. Besides, the SWD will further develop suitable treatment models to cater for different types of abusers, their spouses or partners and their children. However, we do not consider it appropriate to provide compulsory counselling to batterers as suggested by some commentators. Based on the experience of overseas studies and the BIP conducted locally, the treatment results for batterers who were mandated in some way to join the programme were less favourable than those who participated on a voluntary basis.

Instead that there is ample evidence that concurrent changes and support from spouses / partners are important to initiate and maintain changes in the batterers. Besides, social work intervention is also essential to complement BIP group intervention. Public education on BIP would be strengthened to reach out to the community and increase awareness of the programme so that prospective participants would become more receptive or motivated to receive treatment.

Education and preventive measures

212. As mentioned in paragraphs 218 to 221 of Part II of the Initial Report, we hope to prevent occurrences of child abuse cases by addressing the factors that give rise to them. Updates on education and publicity measures are given below.

Educating the children

213. Alerting children to the nature and dangers of abuse - and how to protect themselves against it - remains a high priority. The SWD has continued to work with other professionals as mentioned in paragraph 219 of Part II of the Initial Report to launch publicity activities and produce promotional materials including exhibitions of promotional videos, feature articles in newspapers, as well as production of calendars, interactive games CD Roms, television Announcements in the Public Interest and roadside boards, etc. so as to heighten their awareness on the issue of child abuse.

Public education

214. Since 2002, the SWD has launched a series of territory-wide publicity and district-based programmes on “Strengthening Families and Combating Violence” to enhance public awareness of the need to strengthen family solidarity and prevent domestic violence. One of the major themes of these programmes is prevention of child abuse. Since 2008-09, a recurrent provision of \$5 million has been allocated to sustain and strengthen the campaign. The SWD will continue to make use of various media channels to publicise its messages. Territory-wide and district-based public education initiatives and activities will also be organised.

Family Support Programme (FSP)

215. To reach out to families at risk, the SWD has, since early 2007, allocated additional recurrent resources to implement the FSP in the FCPSUs, Integrated Family Service Centres (IFSCs) and Psychiatric Medical Social Services Units. Through telephone contacts, home visits and other outreaching programmes, the FSP introduces vulnerable families, including families at risk of domestic violence, psychiatric problems and social isolation, to various support services and motivate them to receive services to prevent further deterioration of their problems. Through the FSP, families with difficulties in guiding and supervising their children may be identified and provided with targeted services to prevent such difficulties from deteriorating into family breakdown or child abuse.

216. Some commentators suggested setting up a specialised domestic violence court. Domestic violence cases are currently dealt with by the courts mainly in two aspects, namely on the civil side, matters related to a domestic violence case would be dealt with by the Family Court; and on the criminal side, injuries inflicted on family members are dealt with at various levels of Courts, depending on the seriousness of the cases. It should be noted that the Family Court always gives priority to urgent applications relating to domestic violence cases, e.g. applications related to removal of children or injunction applications. For criminal cases, the courts at various levels can competently deal with them. Since October 2008, a mechanism has also been put in place between the DoJ and the Judiciary to enable expedited listing of suitable domestic violence cases. This mechanism has so far been found to be working satisfactorily and should go some way towards addressing concerns over the timely handling of domestic violence cases. In view of the satisfactory working of the expedited listing mechanism, there does not appear to be a real and immediate necessity for the setting up of a separate court for this purpose. To set up another court would involve the consideration and resolution of a large number of legal and practical (both logistical and resource-related) issues that would take some time to accomplish, hence the Judiciary sees no real need for the establishment of a specialised domestic violence court.

B. Comprehensive programmes – monitoring

Articles 5, 18 (1) and 18(2) - Parental guidance and parental responsibilities

217. It remains our belief, as mentioned in paragraph 139 of Part II of the Initial Report, that the primary responsibility for providing adequate care to children rests with their parents. As such, the objective of our child welfare services is to support and strengthen families with a view to facilitating them in providing a suitable environment for the physical, emotional and social development of their children, rather than to replace the functions of parents.

Establishment of Family Council

218. While provision of services to support families will continue to be financed and delivered by different relevant service providers and delivery agents, the Family Council provides a useful platform for discussion of family core values, family education and support related topics. The Family Council recognised that family is the cornerstone for social harmony. Toward this end, the Family Council has identified the following as the family core values as the key elements to a healthy and happy family life – Love and Care; Respect and Responsibility; and Communication and Harmony. The Family Council will continue to work with relevant stakeholders to further promote and publicise family core values in a sustainable manner, and to foster pro-family measures in collaboration with relevant Government bureaux and departments.

Integrated Family Service Centres (IFSCs)/Integrated Services Centres (ISCs)

219. At the time when the Initial Report was prepared, the first point of call for families needing help and advice is Family Services Centres. To ensure that our family services could effectively meet changing service demands, the SWD commissioned the University of Hong Kong to conduct a review in 2001, as foreshadowed in paragraph 238 of Part II of the Initial Report. One of the recommendations of the

review was that a new integrated family service model should be adopted to provide one-stop services to persons and families in need in a holistic manner. Having tried out the new service model from 2002 to 2004, the SWD confirmed that it could meet service demands more effectively. The SWD therefore consolidated all family services centres and other family service resources (including Family Services Centres/ Counselling Units, Family Life Education Units, Family Support and Resource Centres, Family Support Network Teams and Post-migration Centres) to form IFSCs in 2005.

220. The integrated family service model is considered an effective service delivery model which can provide services to users in a holistic, convenient and easily accessible way. As at 31 December 2008, there was an extensive network of 61 IFSCs and two ISCs over the territory providing a continuum of preventive, supportive and remedial family services, which include family life education, parent-child activities, enquiry service, outreach service, mutual support groups, counselling and referral service, etc., for children or families in need.

221. As regards manpower, the total number of frontline social workers in IFSCs has increased considerably after the restructuring, rising from 896 in 2004-05 to 1 010 in 2008-09. The number of centre-in-charges/supervisors has also increased from 62 to 91 during the same period. The total number of frontline social workers and centre-in-charges/supervisors has increased by 15%.

Family life education

222. As mentioned in paragraph 146 of Part II of the Initial Report, family life education continues to be an indispensable component of our child welfare services. The SWD strives to promote family life education with a view to, among other things, equipping parents and parents-to-be with the knowledge, skills and attitudes necessary for responsible parenthood. Joint responsibility of parents continues to be a key element of our family life education programme.

223. Various service units, including Family Life Education Units, IFSCs, ISCs, and Integrated Children and Youth Services Centres (ICYSCs), organise programmes on the physical and psychological development of children, parenting skills, communication skills, emotional and stress management, behavioural problems of children, etc. for families with children at different developmental stages. The target participants also include grandparents. The programmes seek to equip participants with parenting skills, enabling them to better perform the parental role when taking care of the children in their families.

224. The service units mentioned above have strengthened collaboration with relevant parties, including hospitals and Maternal and Child Health Centres (MCHCs), to provide targeted programmes for parents-to-be in order to facilitate their adjustment to the change in role and prepare them for taking up parental responsibilities.

225. Family life education is also widely promoted in schools to strengthen family relationships and prepare students for taking up parental responsibilities in future. In the school curriculum, the promotion of core values conducive to harmonious family relationships such as responsibility, respect and commitment is emphasised in both the primary and secondary school curricula. Ample opportunities such as in the form of child-parent activities are provided in school to complement the curriculum in the nurturing of these family values. Family life is an essential curricular theme to promote family values in Moral and Civil Education. Caring and love is recommended as the core value for promotion in the interim review of curriculum reform in 2008. The revised Moral and Civic Education curriculum framework further strengthens the importance of the role of family and the responsibility of family members.

Child care assistance for parents

226. To support parents who cannot take care of their children temporarily because of work or other reasons, the Government provides subvention to NGOs to provide various kinds of child care services to parents in need. Paragraph 61 of Part II of the Initial Report discussed the functions of a number of welfare facilities and service units

providing care for children. Over the years, there have been enhancements to these welfare facilities, and service units have been restructured. These include the establishment of IFSCs as mentioned in paragraphs 219 to 221 above, strengthening of the functions of FCPSUs (which has taken up Child Custody services) as mentioned in paragraphs 204 above, and enhancement and re-engineering of child care services in recent years to better meet the service demands, subsequent to our submission of the Initial Report. The details are set out in the following paragraphs.

Independent child care centre and kindergartens-cum-child care centre

227. In the past, child care centres and kindergartens provided similar nursery and care services to the same target group of service users. For more effective use of resources, their services were harmonised in 2005 and their targets users re-delineated. Independent child care centres supervised by the SWD were redefined as day care services for children under the age of three, whereas kindergarten-cum-child care centres are for children aged from two to six or from birth to six and were placed under the administration of the EDB. A Joint Office for Pre-primary Services staffed by both the SWD and the EDB was set up under the EDB to provide one-stop services to kindergarten-cum-child care centres.

228. There were 52 000 child care centre places in total by the end of 2000. At the end of 2008, independent child care centres and kindergarten-cum-child care centres provided 682 and 72 000 places respectively. Occasional child care service for parents who cannot take care of their children occasionally and extended hour child care services (for parents who need day care services outside normal operating hours) introduced in the Initial Report continue to be available at some of these centres.

229. New child care services which are flexible in operation mode and hours have been launched over the past few years to better meet the service demand. The new services include:

- **Mutual Help Child Care Centres (MHCCCs):** The service aims at promoting mutual help on child care within the neighbourhood. The Centres are set up by non-profit-making local organisations, women's associations, church groups, etc. to provide care for not more than 14 babies and toddlers. Volunteers are recruited to look after the children.
- **Day Small Group Home Service and Day Foster Care Service:** Originally, small group homes and foster care families only provided residential care services for children. In 2007, the SWD launched these two new services. Their service hours are longer and more flexible (say, up to 10:00 pm in the evening) compared with other regular services; and
- **Neighbourhood Support Child Care Project (NSCCP):** Since October 2008, the SWD has launched the NSCCP. The project has two service components: (a) home-based child care service for children aged under six, and (b) centre-based care group for children aged three to under six. Carers in the neighbourhood are hired and trained to take care of children at centre run by the service operators (centre-based care group) or at the carers' homes (home-based child care service). The operating hours of the two services under the NSCCP cover the evenings, some weekends and some public holidays.

230. The after-school care programme which provides half-day care services for children aged six to 12 is still in place. There were still 6 000 places at the end of 2008.

231. Some commentators expressed that the limited operational hours of the NSCCP does not offer protection to ensure child safety. Others called for legislation to prohibit child care givers from leaving children at home unattended and offending parents should attend compulsory counselling. We would like to clarify that while the laws of Hong Kong do not contain specific provisions that prohibit leaving

children alone at home, there is existing legislation to deal with child neglect and abuse. Pursuant to sections 26 and 27 of the Offences against the Person Ordinance, any person who unlawfully abandons or exposes any child, being under the age of two years, whereby the life of such child is endangered, or the health of such child is or is likely to be permanently injured (section 26); and any person over the age of 16 years who wilfully assaults, ill-treats, neglects, abandons or exposes any child or young person under the age of 16 years under his custody, charge or care in a manner likely to cause such child or young person unnecessary suffering or injury to his health (section 27), shall be guilty of an offence. The maximum penalty is imprisonment for 10 years.

232. The above legislative provisions tackle directly wrongful conducts, or inaction in the form of neglect, that cause harm to the child, taking into account relevant factors such as whether the person involved has a duty of care to the child; whether he/she has an intent to neglect or harm the child and whether he/she is aware of the possible harm done to the child due to such conducts/neglect, etc., irrespective of where the child is located (whether at home or not). We believe that such an approach can offer more comprehensive protection to children against neglect, harm, ill treatment, ill health etc. that occurs at home, as well as outside a domestic setting. Under these provisions, the Police have successfully prosecuted parents/carers for child neglect in leaving children unattended at homes.

233. In contrast, the proposal to legislate against leaving children alone at home, though well-intended to protect children from harm, may not achieve its desired objective as, for instance, irresponsible parents or carers may easily circumvent the legal responsibility by asking their children to wait outside their homes or wander in shopping centres and on the streets. The potential safety hazards to children are equally serious. This is certainly not in the interest of the child.

234. We have also made reference to the practice in some overseas jurisdictions. As we understand it, the criminal provisions for handling child neglect under the relevant legislation in the United Kingdom, Canada, Australia and Singapore are similar to the provisions

in the Offences against the Person Ordinance mentioned above. Like Hong Kong, these jurisdictions do not have separate provisions which make leaving children unattended at home a criminal offence.

Residential child care services

235. The underlying principle of residential child care services, as mentioned in paragraph 151 of Part II of the Initial Report, is that a family setting is preferred to an institutional one. This is particularly true in the case of younger children. As at the end of December 2008, there were a total of 1 814 non-institutional residential care placements, compared with 1 140 at the end of December 2000 as reported last time.

Family Aided Services

236. Individual IFSCs provide family aide service to render home-based training and supervision to parents or those who have to take care of their family members to help them develop and improve childcare ability, self-care ability or home management skills.

Article 9 - Separation from parents

237. The interests of the child in cases of separation of parents continue to be protected under law, and relevant services including counselling, assistance, advice and custody continue to be provided by the relevant Units of the SWD as mentioned in paragraphs 158 to 163 of Part II of the Initial Report, save for the transformation of various family services units into IFSCs and amalgamation of the Child Custody Services Units with FCPSUs. Developments since the Initial Report are outlined below.

The review of laws relating to child guardianship and custody by the LRC

238. Paragraphs 58 and 59 of Part II of the Initial Report mentioned that the LRC planned to issue four reports to recommend law reforms relating to the guardianship and custody of children. The four reports (namely the Report on Guardianship of Children, the Report on

International Parental Child Abduction, the Report on the Family Dispute Resolution Process and the Report on Child Custody and Access) were subsequently released in succession from 2002 to 2005, making a total of 124 recommendations in the area. Relevant bureaux and departments of the Governments are now examining the recommendations in consultation with stakeholders with a view to deciding whether and how to implement them as soon as practicable. We have also taken into account some of the recommendations in considering related policy issues, such as in our review of the DVO.

239. With regard to the LRC Report on Family Dispute Resolution, the Government welcomes and supports the recommendations in the report. As mentioned in paragraph 110 in Chapter III, with the implementation of the Civil Justice Reform in April 2009, the scope of legal aid covers mediation in all civil proceedings including matrimonial proceedings and that the costs of mediation for such cases can be paid as expenses incurred in connection with the legally aided proceedings.

240. The LRC's report on Child Custody and Access recommended, among other things, that Hong Kong should follow some jurisdictions in introducing the joint parental responsibility model to Hong Kong's Family Law. The new model would enable both parents to remain actively involved in the lives of their children after divorce. Some commentators supported the recommendation and thought that the Government should introduce legislative amendments to implement the model as soon as possible. While we agree with the concept underlying the "joint parental responsibility" model and think that parents still have responsibilities towards their children and the right and duty to be involved in major decisions relating to their children even after divorce, we see a need to examine more carefully the recommendation in a holistic manner and consult stakeholders before deciding on whether to implement the proposed model. The reasons are as follows:

- the recommendations of the LRC would fundamentally change the existing concept of "custody" under the Family Law and in our local culture. It would have far-reaching impact on children and family on various fronts;

- there are still concerns from the social welfare sector and women’s groups over the practical problems in implementing the proposed model; and
- in certain jurisdictions, there has been an increase in the number of court disputes subsequent to the introduction of the “joint parental responsibility” model, suggesting that, in the absence of proper safeguards, the new model might be abused by trouble-making parents.

241. We have recently stepped up our efforts in studying the “joint parental responsibility” model, and have been in touch with stakeholders including the legal sector, frontline social workers and women’s groups to collect their views. At this stage, the Government remains open to the recommendations.

Application for sole custody of the child

242. Regarding the current arrangement where a parent has the right of care and control but joint custody with the child, he/she can apply for a sole custody, some commentators considered that the court should keep tighter standards in evidence recognition for such application and limit the situation that allows such parent to get sole custody. There are also views that the court should punish the parent who acts in bad faith and prevents other party from taking and executing the responsibilities for upbringing and development of the child. Social workers of the FCPSUs provide Social Investigation Reports to the court with a view to assisting the court, the parents and the children-in-question to arrive at an appropriate decision regarding the custody, access and guardianship of the children concerned. The welfare of the child is the first and paramount consideration of the social workers in formulating recommendations to the court. Parents are encouraged to cooperate with each other in the best interest of the children. The concept of shared parental responsibility is promoted to facilitate the continuity of the child’s relationship with both parents, to minimise the custody battle as well as parental conflict and to ensure parental involvement in child development.

Detention of parents

243. In paragraph 165 of Part II of the Initial Report, we explained that where a mother is detained in prison, the Commissioner of Correctional Services may permit any of her children to accompany her until she has completed her sentence or the child attains the age of three years old, whichever is the earlier. While in prison, the mother and child stay in a special ward similar to a maternity ward. Our policy is to encourage the father or relatives of the child of the inmate to bring up the child in open society. Only if a proper guardian is not available to take care of the child in this way would the child be detained with the mother. In such circumstances, the Commissioner of Correctional Services arranges for either the father or a relative who can take care of the child properly to take the child out occasionally. The authorities provide milk powder, baby food and nappies for infants in the institutions. The children's diets comply with nutrition standards approved by the Director of Health and the United Nations Food and Agriculture Organizations. The aim of these arrangements is to preserve and strengthen the mother-child relationship.

244. We recognise that children need maternal care during their most tender years (particularly those under seven) and that contact with their children helps to prepare imprisoned mothers for future reintegration into society. With that in view, we have a special programme that permits young children to spend half-day open sessions (which include direct physical contact) with their mothers in addition to the normal visits provided under the Prison Rules (Cap. 234A)⁶. These take place in specially designed facilities within the prisons. We reported in paragraph 166 of Part II of the Initial Report that the number of institutions with such programme was limited because it required additional staff and special facilities, such as playrooms. In recent years, we have carried out improvement measures with a view to extending the coverage of the programme. Since 2008, the programme has been extended to all female institutions.

⁶ Rule 48 provides that prisoners may receive visits from friends and relatives twice a month, subject to such restrictions as may be imposed for the maintenance of discipline and order and for the prevention of crime. Additional visits may also be arranged for any special reason and there are no restrictions on the age or sex of the prisoners or their visitors. This enables imprisoned mothers to receive visits from older children.

245. As to whether the half-day open sessions would be extended to male institutions, we have not received such requests so far and the issue will be kept under review. Meanwhile, we will handle such requests, if any, on a case-by-case basis having regard to the needs of the prisoners and their children, as well as the need to maintaining prison security and the resource requirements

Article 10 - Family reunification

Services provided to newly arrived children and cross-boundary families

246. The difficulties faced by newly arrived children from the Mainland were elaborated in paragraphs 175 and 176 of Part II of the Initial Report. Some commentators and lawmakers expressed particular concern on cross-boundary children and family problems which are getting increasingly common due to the growing relations between the Mainland and the HKSAR. These families generally involve children who have been granted the right of abode in HKSAR and have newly arrived in Hong Kong, but are left unattended because one of their parents has either passed away or has left home, and the other parents, usually mothers, reside on the Mainland and are unable to take care of their children.

247. Both NGOs and the Government are acutely aware of the service needs of newly arrived children and children in cross-boundary families and, together, have taken active steps to provide support to them.

248. The Government pursues the overall policy objective to facilitate early integration of new arrivals, including children, into the local community. In this regard, the HAD has been in close collaboration with various NGOs and allocates resources to the NGOs for organising activities and programmes at district level, targeted at new arrivals from the Mainland including newly arrived children, to enable them to integrate into the community and the local education system. Examples include familiarisation courses, language classes, experience sharing and visits. The HAD also publishes a Handbook on Services for New Arrivals containing important information relating to

different services provided by the Government departments (including education, child care and other counselling services) and service agencies to assist those newly arrived in adapting to the life in Hong Kong.

249. In respect of social welfare services, with the expiry of the time-limited service agreements of Post-migration Centres mentioned in paragraph 179 of Part II of the Initial Report, and taking into account the objective to integrate services for new arrival families with mainstream IFSC services, as well as the implementation of the integrated family service model from 2004, new arrivals can have access to a continuum of comprehensive family services in one stop at the 61 IFSCs and two ISCs over the territory. Family services are now available to them in a much more convenient, accessible and holistic way than before. Social workers at the IFSCs/ISCs have the relevant experience and skills in supporting new arrivals. They will thoroughly assess and take care of the needs of new arrival families and provide them with appropriate services. From time to time, programmes and activities targeting newly arrived children are organised at these centres to help them adapt to the new environment. Topics covered in these programmes include effective communication among family members and conflict, emotion and stress management, etc. Districts with a higher concentration of new arrivals were given additional resources in 2008-09 to organise more focused and targeted programmes for new arrivals.

250. Meanwhile, with funding from the SWD and the Hong Kong Jockey Club, the International Social Service Hong Kong Branch continues to provide services to new arrival families and individuals. It has service teams stationing at the Lo Wu Control Point (a control point at the boundary between HKSAR and the Mainland) and the Registration of Persons – Kowloon Office. Services provided include provision of information about social public and support services in Hong Kong and referrals to appropriate service units for follow up. Moreover, the SWD has also provided additional funding to the International Social Service Hong Kong Branch since 2007 to reach out to new arrivals and connect those having difficulties to mainstream or community services. The department has also linked up its Departmental Hotline with the New Arrivals Hotline operated by the

Service since July 2009. The New Arrival Hotline provides support in the form of information giving, guidance, regular concern calls, etc. to those who have arrived in Hong Kong for less than six months with a view to facilitating their integration into the community. Linking up the two hotlines will enable new arrivals calling the SWD Hotline to have their calls transferred to the New Arrival Hotline for tailor-made and targeted advice and services.

251. With the co-operation of the Guangdong Provincial Government and funding from the Community Chest, the International Social Service Hong Kong Branch operates a family services centre in Shenzhen which assists cross-boundary families. The centre targets children of families with members separated between Shenzhen and the HKSAR. The service it provides include casework and group counselling, orientation and training programmes, English and computer classes, information giving and inquiry services and other social activities, etc. Moreover, the SWD has also been providing additional funding to the International Social Service Hong Kong Branch's Cross-boundary and Inter-country Casework Service from 2009-10 for proactively providing services to cross-boundary families, helping them tackle family problem by early identification and timely intervention. Government's measures implementing to address the needs of the cross-boundary students are set out in paragraphs 488 to 493 in Chapter VII below.

252. In respect of education, the EDB provides school placement service to the newly arrived students. Students may attend a six-month full-time Initiation Programme that helps them integrate into the local community and education system before their admission to the public sector schools. For those newly arrived students who enter into public sector schools direct, the EDB provides schools with a School-based Support Scheme Grant to run support programmes including the learning of English for the students concerned. The EDB also provides subsidies for NGOs to run a 60-hour Induction Programme which covers personal development, social adaptation as well as basic English and Chinese learning skills for these students. In addition to the above, on par with other students, newly arrived students are provided with counselling and learning support by their schools where appropriate.

Article 27(4) - Recovery of maintenance for the child

253. Measures to secure the recovery of maintenance for the child from the parents or other persons are basically the same as those reported in paragraphs 181 to 186 of Part II of the Initial Report. Matrimonial matters, including recovery of maintenance for the child, are now handled by the FCPSUs of the SWD as mentioned in paragraph 204 above.

254. Some commentators pointed out that there is no mechanism to monitor the enforcement of court orders in relation to divorce, causing the children not being able to enjoy protection ordered by the court. The Government has furthered its efforts to address the difficulties that maintenance recipients experience by implementing the legislative and administrative measures as described in paragraph 184 of Part II of the Initial Report. Improved legislative measures ((a) and (b) below) and administrative measures ((c) to (f) below) include –

- (a) further to the enactment of the Attachment of Income Order (Amendment) Ordinance to relax the circumstances under an Attachment of Income Order, so as to provide greater guarantee of punctual maintenance payments, as mentioned in paragraph 185 of Part II of the Initial Report, the Attachment of Income Order was further amended in 2007 to enable the Court to grant the Attachment of Income Order to all income sources, in order to enable the maintenance payee to receive their maintenance in a timely manner;
- (b) the Interest and Surcharge on Arrears of Maintenance Ordinance 2003 was brought into operation in May 2005 with the objective of compensating the maintenance payee for monetary loss due to the default by the maintenance payer;
- (c) NGOs and legal professional bodies have been informed that where the maintenance payers fail to notify the maintenance payees of the change in address, reports to the

police station nearest to the maintenance payer's last known address can be made;

- (d) the Law Society of Hong Kong has been requested to inform its members that they can, with the use of a letter, request the ImmD, Housing Department and Transport Department to search their records for addresses of maintenance payers against whom legal actions will be taken to sue for arrears in maintenance;
- (e) the procedures for applications for the CSSA Scheme and legal aid have been synchronised. The SWD will, where appropriate, directly refer cases to appropriate Government departments and units to pursue legal action to enforce maintenance orders and for timely counselling and family services; and
- (f) apart from on-going promotional and publicity materials on maintenance-related matters, the Government has sponsored NGOs to carry out community involvement projects and activities to enhance public awareness of the rights of maintenance payees and services available to them.

255. Some commentators were concerned about the cross-boundary enforcement of matrimonial judgments in relation to the recovery of maintenance for the child. We have commenced study of the issue of reciprocal enforcement of judgments in matrimonial cases between the Mainland and the HKSAR and discussed the issue among relevant bureaux. In April 2009, we have commenced preliminary discussions with the relevant Mainland authorities and exchanged information on the subject. We will continue discussions with a view to reaching an arrangement on reciprocal enforcement of matrimonial judgments including custody orders. The stakeholders will also be consulted in due course so that the future arrangement should be able to address their concerns.

Article 20 - Protection of children deprived of a family environment

Residential child care services

256. The residential child care service units mentioned in paragraphs 187 to 196 of Part II of the Initial Report continue to provide residential child care services to children in need. The number of places of some of these service units has increased over the years in response to service demands. As at the end of December 2008, there were

- (a) 950 foster care places (580 as at the end of December 2000 as indicated in the Initial Report);
- (b) 864 small group home places (774 as at the end of December 2000 as indicated in in the Initial Report);
- (c) 207 Residential crèches and nurseries places (292 as at the end of December 2000 as indicated in the Initial Report, decreased due to service re-engineering and expansion of foster care service at (a) above); and
- (d) 403 children's home places (292 as at the end of December 2000 as indicated in the Initial Report).

257. As for boys' and girls' homes, 76 additional residential places were provided between 2002 and 2008. As at the end of December 2008, 766 children and young persons were in the care of such homes (705 as at the end of December 2000 in the Initial Report). For Boys' and girls' hostels, 12 additional places were provided during the period. As at the end of December 2008, 76 young persons were accommodated in such hostels (67 as at the end of December 2000 as indicated in the Initial Report).

Article 21 - Adoption

Adoption Ordinance

258. As mentioned in paragraph 188 above, amendments were made to the Adoption Ordinance to give effect to the Hague Convention. The amended Adoption Ordinance requires explicitly that due consideration be given to the wishes and opinions of children having regard to the age and understanding of the children before the court makes an adoptive order.

259. Other areas in relation to adoption in Hong Kong remain more or less the same as mentioned in paragraphs 202 to 212 of Part II of the Initial Report. The framework and some updates are provided below.

Birth parents' consent

260. As mentioned in paragraph 203 of Part II of the Initial Report, where the adoption of a child who is not an orphan is being considered, the birth parent(s), if known, are given intensive counselling to help them formulate the best welfare plan for the child. Once an adoption order is granted, the birth parents relinquish their parental rights, duties, and legal obligations, and cannot revoke their decision to relinquish the child. The Adoption Ordinance continues to empower the courts to dispense with parental consent in the situations mentioned in paragraph 204 of Part II of the Initial Report.

Interests of the adopted child

261. As explained in paragraph 205 of Part II of the Initial Report, the Adoption Ordinance provides for the appointment of a guardian ad litem, usually an officer of the SWD, to represent a child's interests in adoption proceedings.

Prevention of improper financial gain through adoption

262. As explained in paragraph 210 of the Initial Report, the Adoption Ordinance prohibits the giving or receiving of remuneration or reward in connection, directly or indirectly, with the adoption or proposed adoption of an infant. An exception is made for payments in consideration of the professional services provided by, for example, a lawyer. Any person who contravenes these provisions is liable to a fine and imprisonment. Besides, the Adoption Ordinance prohibits publication without the written consent of the Director of Social Welfare of advertisement indicating –

- (a) that the parent or guardian of an infant desires to cause the infant to be adopted;
- (b) that a person desires to adopt an infant; or
- (c) that any person is willing to make arrangements for the adoption of an infant.

Adoption of overseas children by Hong Kong residents

263. As explained in paragraph 208 of Part II of the Initial Report, children adopted from overseas by Hong Kong residents are permitted to join their adoptive parents if the adoptions are believed to be genuine, are recognised under Hong Kong law, and if all immigration requirements are met.

Adoption of local children by families overseas

264. It remains our belief, as mentioned in paragraph 207 of the Initial Report that in principle, the interests of children who are to be adopted are best served by placement within their State of Origin. Yet, to cater for children with special needs who may be difficult to place locally, we continue to allow and arrange for adoption by overseas families. We previously reported that the Adoption Unit of the SWD was the only body authorised to administer overseas adoptions in Hong Kong. Following the amendments to the Adoption Ordinance,

three NGOs have been accredited under the Ordinance and authorised to arrange overseas adoption.

Local adoption

265. The SWD would accept application made by any body of persons/NGO to become an accredited body for providing local adoption service on a self-financing and non-profit making basis under a new accreditation system starting from August 2008. Yet, the SWD is still the sole authority to administer local adoption. Assessment process for local adoption remained more or less the same. In 2008, there were 20 private adoption cases with adoption order granted while 90 wards of the DSW were placed in adoptive homes.

Article 11 - Illicit transfer and non-return

266. The position remains basically the same as that in paragraph 213 of Part II of the Initial Report, i.e. the Hague Convention on the Civil Aspects of International Child Abduction has been extended to Hong Kong and implemented by the Child Abduction and Custody Ordinance (Cap. 512).

267. The HKSAR Central Authority, the functions of which are discharged by the Secretary for Justice, has received around 67 abduction cases under the abovementioned Hague Convention since its extension to Hong Kong. The breakdown of the abduction cases is set out in Table 15 below. The Central Authority has also received 13 cases regarding access to children under the Hague Convention.

268. In 2002, the LRC published a report on International Parental Child Abduction which advocates law reform to tackle more effectively the problem of international parental child abduction, which happens when a child is taken out of Hong Kong by his own parent(s) without the consent or lawful authority from a person or institution that has the right of care for him. Relevant bureaux and departments of the Government are now examining the recommendations in consultation with stakeholders with a view to deciding whether and how to implement them as soon as practicable.

Article 25 – Periodic review of placement

269. The arrangements regarding child welfare case conferences and regular case reviews set out in paragraphs 239 and 240 of Part II of the Initial Report are still valid.

Comprehensive Child Development Service (CCDS)

270. In July 2005, the CCDS was launched for children aged five and below. The CCDS aims to identify and meet, at an early stage, the various health and social needs of children aged five or below and those of their families. Through inter-sectoral collaboration among the Department of Health (DH), the Hospital Authority (HA), the EDB, the SWD and NGOs at district level, comprehensive and timely support is provided to children and families in need. As MCHCs serve about 90% of newborn babies in Hong Kong, the CCDS uses these centres and other service units including hospitals under the HA, IFSCs, ISCs and pre-primary institutions as a platform to identify at-risk pregnant women, mothers with postnatal depression, families with psychosocial needs as well as pre-primary children with health, developmental and behavioural problems. Children and families in need are referred to appropriate service units for follow-up.

C. Allocation of budgetary and other resources

Services for new arrivals from the Mainland

271. The Government allocated \$1.71 million to various NGOs for organising integration activities for new arrivals from the Mainland, and on the production of the Handbook on Services for New Arrivals in the 2008-09 financial year.

D. Statistical data

Articles 5, 18(1) and 18(2) - Family support

272. The latest Population By-census which was conducted in 2006 showed that the number of domestic households in Hong Kong increased by 20% from 1.86 million in 1996 to 2.23 million in 2006. The number of households increased at a faster rate than the population. The trend towards smaller household continued according to the latest by-census results. The average household size decreased from 3.3 in 1996 to 3.1 in 2001 and 3.0 in 2006.

273. More domestic households consisted of “one unextended nuclear family”, that is a household comprising one family nucleus without other related persons. The share of these families have increased from 63.6% in 1996 to 67.0% in 2006. The proportion of extended nuclear family households decreased from 11.2% to 8.1% during the period. Besides, the proportion of households with two or more family nuclei also decreased.

274. As regards child care services, Table 14 sets out the provision and utilisation of day child care service.

Table 14: Provision and utilisation of day child care service

Service	No. of places for the whole territory
Independent child care centres (for children aged under three)	682
Kindergarten-cum-child care centres	Around 72 000
Occasional child care service (for children aged under six)	497
Extended hours service (for children aged under six)	1 244
Neighbourhood Support Child Care Project (home-based child care service for children aged under six and Centre-based care group for children aged three to under six)	At least 286 home-based child care places and at least 154 centre-based care group places

Article 10 - Family reunification

275. Between 1 July 1997 and 31 December 2008, about 203 000 Mainland children eligible under Article 24(2)(3) of the Basic Law⁷ entered Hong Kong for settlement and family reunion.

Article 11 - Illicit transfer and non-return

276. The number of child abduction cases processed by HKSAR as mentioned in paragraph 267 above are set out in Table 15.

Table 15: Hague Convention child abduction cases processed by the HKSAR Central Authority (Position as at 31 July 2009)

Country	Incoming	Outgoing	Total
Australia	9	3	12
Austria	0	1	1
Belgium	1	0	1
Canada	2	4	6
France	1	2	3
Germany	2	0	2
Ireland	1	0	1
Italy	1	1	2
Latvia	1	0	1
Luxembourg	1	0	1
Norway	1	0	1
Switzerland	2	0	2
Thailand	0	1	1
U.K.	8	5	13
U.S.A.	10	7	17
New Zealand	3	0	3
Total	43	24	67

⁷ Article 24(2)(3) of the Basic Law is reflected in Schedule 1 of the Immigration Ordinance (Cap. 115), which stipulates that a person has the right of abode in the HKSAR if he/she is of Chinese nationality born outside Hong Kong to a parent who was a Hong Kong permanent resident of Chinese nationality at the time of the person's birth.

Articles 19 and 39 - Abuse and neglect, including physical and psychological recovery and social reintegration

277. The statistics on child abuse case and abuser's relationship with the victim recorded in the CPR mentioned in paragraph 202 above are detailed in Tables 16 and Table 17.

Table 16: Categories of child abuse case in 2005-08

Types of abuse	2005	2006	2007	2008
Physical abuse	413	438	499	483
Neglect	41	77	114	78
Sexual abuse	234	233	270	277
Psychological abuse	23	12	20	15
Multiple abuse	52	46	41	29
Total	763	806	944	882

Table 17: Abuser's relationship with the victims in child abuse case in 2005-08

Relationship with the victims	2005	2006	2007	2008
Parent	454 (63.6%)	521 (67.3%)	581 (67.1%)	535 (64.6%)
Sibling	24 (3.4%)	30 (3.9%)	16 (1.8%)	26 (3.1%)
Step-parent	36 (5.0%)	27 (3.5%)	29 (3.3%)	33 (4.0%)
Grandparent	12 (1.7%)	9 (1.2%)	9 (1.0%)	12 (1.4%)
Relative	21 (2.9%)	25 (3.2%)	17 (2.0%)	16 (1.9%)
Family friend/ friend	35 (4.9%)	43 (5.6%)	52 (6.0%)	62 (7.5%)
Foster parent/ house parent/ childminder	20 (2.8%)	14 (1.8%)	23 (2.7%)	20 (2.4%)
Teacher/ tutor / coach	15 (2.1%)	13 (1.6%)	11 (1.3%)	18 (2.2%)

Relationship with the victims	2005	2006	2007	2008
Co-tenant/ neighbour	16 (2.2%)	10 (1.3%)	11 (1.3%)	7 (0.8%)
Unrelated person	81 (11.3%)	79 (10.2%)	114 (13.2%)	84 (10.1%)
Unidentified person	0 (0.0%)	3 (0.4%)	3 (0.3%)	15 (1.8%)
Total	714	774	866	828

Note: The number of abusers is different from the number of victims as a abuser may abuse more than one child or a child may be abused by more than one abuser.

E. Factors and difficulties

278. Hong Kong is one of the most densely populated regions in the world. We need to strike a balance between facilitating family reunion and ensuring sustainability of the economic and social structures of Hong Kong. The quota-based Permit Scheme is necessary to maintain the orderly and manageable rate of entry. We will continue to closely monitor the circumstances and liaise with the Mainland authorities on any need to further refine the Scheme.

VI. BASIC HEALTH AND WELFARE
(Articles 6, 18(3), 23, 24, 26 and 27(1) to 27(3) of the Convention)

A. Concluding observations – follow-up

Article 24 - Health and health services

Paragraph 63 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

The Committee was concerned at the persistence of malnutrition, emergence of child obesity and inadequate breastfeeding policies throughout the State party. It urged the State party to develop policies and programmes to adequately address the problems of malnutrition and obesity in children and to promote breastfeeding through strengthening the implementation of the International Code of Marketing of Breastmilk Substitutes in all parts of the State party, through the promotion of baby friendly hospitals in the HKSAR.

Malnutrition

279. Child malnutrition is not common in Hong Kong as manifested in low rates of indicators of malnutrition, namely wasting, short stature (stunting) or underweight among children at the ages of six months, one year, three years and primary school children. For instance, the percentage of children underweight, as defined by the World Health Organization (WHO), at the abovementioned age groups are respectively 1.2%, 1.0% and 1.6%. Further details of the indicators are set out in Tables 26 and 27 below.

Obesity of children

280. To respond to the changing needs of the population in health improvement and maintenance, including the problem of obesity of children, the Central Health Education Unit of the DH has been promoting, amongst others, healthy diet at the population level. This included the “2+3 fruit and vegetables promotional campaign” in 2005, “EatSmart@school.hk campaign” in primary schools since 2006,

and “EatSmart@restaurant.hk campaign” since 2007. On physical activity promotion, the DH has collaborated with the Leisure and Cultural Services Department (LCSD) since 2000 to promote “Healthy Exercise for All”, stair climbing since 2003 and exercise prescription by general practitioners since 2005.

Breastfeeding promotion

Policies of the HA and DH

281. In Hong Kong, both the HA, which operates public hospitals, and the DH, which provide health services including MCHCs, promote and encourage breastfeeding.

282. The position as explained in paragraph 247 of Part II of the Initial Report remains valid – that the HA and the DH do not distribute free formula milk, while public hospitals only feed babies formula milk when their mothers, for medical or other reasons, decide not to breast-feed their babies. To promote breastfeeding among nursing mothers, the HA is preparing to stop receiving free supply of infant formulae from milk companies at the public hospitals and tendering arrangement is being made for the procurement of the milk powder after its review as foreshadowed in paragraph 247 of Part II of the Initial Report.

283. As mentioned in paragraph 248 of Part II of the Initial Report, public hospitals under the HA in general comply with the Joint WHO/UNICEF Statement on “Ten Steps to Successful Breastfeeding”, and it is the HA’s policy to encourage nursing mothers to breast-feed their babies. The Breastfeeding Promotion Subcommittee which under the HA Steering Committee on Breastfeeding holds training programme every year to unify force in breastfeeding promotion towards the public and arouse the staff awareness in supporting and protecting breastfeeding. Breastfeeding information booklets, leaflets and education video are produced. The HA also provides clinical instruction in helping mothers to establish breastfeeding skills after giving birth; and has arranged talks, exhibition and seminars for pregnant women, nursing mothers, and parents. As most of the women are working mothers, the advantage of

continuous breastfeeding even after the mother returning back to work are stressed during the public education.

284. The DH implemented a breastfeeding policy in 2000, incorporating the “International Code of Marketing of Breastmilk Substitutes” with its relevant resolutions of the World Health Assembly, as well as the “Ten Steps to Successful Breastfeeding” to facilitate a supportive environment in all MCHCs. They include:

- making more mothers and their family members aware of the benefits of breastfeeding through publicity and education;
- provision of structured training to nurses and doctors, to ensure their competence in counselling mothers and managing breastfeeding problems;
- setting up support groups for mothers to share their experience on breastfeeding; and
- operating a breastfeeding hotline to provide professional advice to mothers with lactation problems.

285. To set a good example for the community, the DH has also implemented a departmental policy in 2002 to further promote breastfeeding among all staff members and support breastfeeding in the workplace. All service units are encouraged to support postnatal staff to continue breastfeeding after resuming duty.

Breastfeeding facilities

286. In 2008, the HA, DH and the Baby Friendly Hospital Initiative Hong Kong Association jointly organised a Babycare Room Award to encourage the provision of appropriate babycare facilities in public areas with a view to encouraging mothers to opt for and maintain breastfeeding.

287. More than 120 breastfeeding facilities are available in public premises, including all MCHCs, public hospitals and Out-Patient Clinics

of the HA, airport, immigration offices and cultural venues. More than 50 additional breastfeeding facilities will be provided in renovated or newly built Government premises by 2012.

288. The DH monitors the trend of local breastfeeding rate through regular reports from maternity units of all public and private hospitals. The percentage of babies on discharge from hospitals who had been breastfed increased from 10% in 1981 to 74% in 2008. Breastfeeding survey has regularly been conducted at all MCHCs since 1998. The breastfeeding rate increased from 50% for babies born in 1997 to 70% for those born in 2006. The corresponding rates for exclusive breastfeeding over four to six months rose from 6% to 13%.

289. To stimulate public awareness over breastfeeding and solicit community support for breastfeeding mothers, as foreshadowed in paragraph 249 of Part II of the Initial Report, a breastfeeding education kit has been introduced and distributed to pregnant women, breastfeeding mothers at the MCHCs and related health professionals. The trend shows that the efforts of the DH, HA and other stakeholders in promoting breastfeeding are paying off to a certain extent. The Government will keep up its efforts in implementing initiatives and activities to encourage more mothers to choose and sustain breastfeeding.

Adolescent health

Paragraphs 64 and 65 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

The Committee was concerned with the high incidence of teenage pregnancies and abortions in the HKSAR, and recommended that in all areas under its jurisdiction, the State party pay close attention to adolescent health and the provision of appropriate adolescent health services, taking into account its General Comment No.4 (2003) on adolescent health and development in the context of the Convention, and strengthen its efforts to promote adolescent health, including by providing sexual and reproductive health education in schools, and to introduce school health services, including youth-sensitive and confidential counselling and care.

Adolescent Health Programme (AHP) at Schools

290. As explained in paragraphs 260 and 261 of Part II of the Initial Report, the Student Health Service of the DH promotes and maintains the physical and psychological health of students through comprehensive, promotional and preventive health programmes and enable them to gain the maximum benefit from the education system and develop their full potentials. The Service introduced the AHP in the 2000-01 school year, seeking to equip the adolescents with the skills they need to cope with stresses and crisis, and to foster a positive attitude to life.

291. The AHP aims to promote psychosocial as well as physical health of adolescents so that they are able to participate competently and confidently in society throughout their life course. A multi-disciplinary team, comprising medical staff and other health care professionals, conducts programmes for students, parents and teachers in participating schools. The programmes include basic life skills training and topical programmes, with details as follows -

- (a) **Basic life skills training:** designed for Secondary One to Three students over three consecutive years to equip them with knowledge, attitudes and skills that can empower them to face the challenge of growing up; and
- (b) **Topical programmes:** designed for Secondary One to Seven students, teachers, and parents. They focus mainly on sex education, substance abuse, healthy eating and other health related topics. They also address adolescent emotional and stress management for parents and teachers.

292. In particular, the AHP delivers sex education to Secondary One to Seven students through organising “Sex Education Workshops”. The Workshops consist of seven sessions, with specific topics including pubertal changes, relationships with the opposite sex and how to differentiate between love and friendship, casual sex and its consequences, the consequence of sexual intercourse, the concept of safe sex, correct contraceptive methods and their limitations, how to

protect oneself and avoid contracting sexually transmitted diseases, sexual harassment and pornography, promotion of a harmonious, equal and respectful relation between the two genders, etc.

293. Since the launching of the AHP, the programme has been receiving good support and response. An outcome evaluation among the 18 pilot schools enrolled showed that students who participated in the programme performed better than those who did not in terms of health knowledge, attitudes, psychosocial health status and behaviours. A total of 340 schools enrolled in the programme in the 2007-08 school year. The 2008-09 provisions under the DH for the AHP is \$93 million, compared to \$90 million in 2007-08.

Student Health Service Centres

294. Apart from the AHP, the Student Health Service of the DH provides a comprehensive range of promotional and preventive services to promote the physical and psychosocial health of Hong Kong's primary and secondary school children. School children can attend one of the 12 Student Health Service Centres (SHSCs) for health assessments including physical examination and screenings for underlying medical problems, individual counselling, and referral to specialists, school guidance staff, school social workers, and other social welfare organisations for further assessment as appropriate. Children's right to privacy and confidentiality is fully respected with advice being given and counselling being conducted in private. Children's names, their personal particulars and individual health information are kept confidential.

295. Health education activities are also provided in the form of video shows and through distribution of various pamphlets and brochures on specific topics related to sex education to primary and secondary students of designated forms and their parents. In addition, the SHSCs also organises health talks on the subject of puberty for primary and secondary students and their parents, explaining to them the physiological and psychological changes and the worries that might arise during puberty.

Health care education in school curriculum

296. A holistic curriculum, comprising knowledge, skills and attitudes conducive to the whole-person development of students, is adopted in the promotion of health care education. Important priority values, including respect for others, responsibility and commitment, are to be nurtured in students so that they can exercise proper value judgment when they come across challenges arising from puberty and discussing sexuality issues. Themes of health care education, such as protecting the body, love and sex, methods of contraception, impacts of early marriage and early pregnancy, are incorporated in various subjects, such as General Studies at primary level and Science, Integrated Humanities, Biology, Liberal Studies, Health Management and Social Care at secondary level. Students also learn a range of self-care skills such as personal hygiene and safety, good grooming, time management, food and nutrition, when participating in related co-curricular activities, e.g. uniform group (Scouts, Girl Guides) and life/health education programmes.

297. In particular, education on sexual and reproductive health is an integral part of the school curriculum to promote healthy behaviour. Issues such as sexual and reproductive health, physical changes during puberty, maturation, reproductive systems, sexual maturity, pregnancy are included in such school subjects as General Studies at primary level; Social Studies, Liberal Studies, Ethics and Religious Studies, Science, Biology at secondary level.

298. In the NSS Curriculum launched in September 2009, sex education has been further enhanced. Elements of sex education and sexuality issues are covered in the subjects Liberal Studies, Health Management and Social Care.

Teenage pregnancies and abortions

299. Regarding pregnancies of adolescent students, school guidance personnel work closely with school social workers to provide counselling service to adolescent mothers/fathers. Depending on the nature and seriousness of individual cases, the school social workers

will refer the students concerned to relevant agencies and Government departments for appropriate services. Through multi-disciplinary collaboration, the school social workers will closely monitor the case progress, helping the students concerned to make better adjustment to their school life. In respect of health services, related services are set out in paragraphs 290 to 295 above.

Mental health

Paragraphs 66 and 67 of the previous Concluding Observations (CRC/C/CHN/CO/2) :

The Committee was concerned on tobacco, alcohol and drug abuse, and recommended that in all areas under its jurisdiction, the State party expand preventive and therapeutic mental health services for adolescents and develop programmes to decrease tobacco smoking, alcohol consumption and drug abuse among adolescents, in particular through the development of campaigns specifically designed for adolescents on health-behavioural choices and life skills. It further recommended that in the HKSAR, the State party continue to strengthen its efforts to prevent suicide among the youth.

Prevention of child and youth suicide

300. Paragraphs 268 to 274 of Part II of the Initial Report mentioned some of our previous measures to prevent child suicide. Over the past few years, we have substantially enhanced our measures in this respect. The ensuing paragraphs set out some of our enhanced measures.

301. The causes of youth suicide are diverse. They can be attributed to the interplay of social and psychological factors including relationship problems and learning problems, etc. We are committed to working closely with different sectors, including NGOs, professionals and academics to combat suicide. Through a range of preventive, supportive and remedial programmes and services, we help young people, families and other vulnerable groups to cope with adversities and crisis, and strengthen their network of support.

302. We provide core youth services, which include school social work, ICYSCs and outreaching social work teams to meet young people's needs and foster their healthy development. In order to identify students with academic, social and emotional problems and help them develop their potential and get prepared for responsible adulthood, the SWD has implemented the policy of "one school social worker for each secondary school" since September 2000 as mentioned in the Initial Report. School social workers work closely with school personnel and other welfare service units and stakeholders in the community to provide timely counseling to needy students and implement a variety of preventive and developmental programmes to promote positive values. As the end of December 2008, there were 486 school social workers.

303. The Hong Kong Jockey Club Charities Trust (HKJCCT) has committed total funding of \$750 million to implement, between the 2005-06 and 2011-12 school years, the "Positive Adolescent Training through Holistic Social Programmes to Adulthood: A Jockey Club Youth Enhancement Scheme" (PATHS) in secondary schools. The PATHS, jointly organised by the EDB, SWD and five universities, provides comprehensive training programmes and activities for junior secondary students to promote positive values and enhance their resilience against adversities so as to foster the healthy development of students. The PATHS includes a classroom-based universal positive youth development programme for all Secondary One to Secondary Three students, as well as a series of guidance programmes to cater for the specific needs of individual students with greater psychosocial needs. From the 2005-06 to 2008-09 school years, about 250 secondary schools participated in the PATHS.

304. With the funding support of the HKJCCT, an NGO named the Samaritan Befrienders Hong Kong has started the operation of a Life Education Centre since 2002 with the aim to promote suicide prevention and the message of treasuring life to the general public, especially the young people in schools. Seminars and peer counselling training are organised with a view to enhancing the knowledge of suicide prevention and developing a sense of mutual support in the community.

305. Since 2002, we have also been financing the operation of a Suicide Crisis Intervention Centre to provide outreaching, immediate intervention and intensive counselling services to persons in need. In addition, a number of dedicated hotline services are operated by NGOs and the SWD to help those who may be contemplating suicide or are under other forms of stress.

306. All along, the EDB attaches great importance to enhancing students' ability to cope with adversity and respect for life. The content of life education, such as "understand life", "cherish life", "respect life" and "explore life", has already been incorporated into different learning themes under the school curricula. To assist the implementation of life education in schools, the EDB has developed various on-line resources on facing up to adversity and creating a better life, for use by schools. Besides, the EDB has been implementing a number of measures including the provision of guidelines, exemplars and resource package to facilitate teachers and parents in early identification of suicide-prone students.

307. We will continue to monitor the suicide problem and review our services and strategies as appropriate. Relevant statistics are included in paragraph 404 below.

Mental health services

308. The HA has implemented the "Early Assessment and Detection of Young Persons with Psychosis" programme for the early detection and treatment of young people with psychotic illnesses since 2001-02. Under the programme, service teams are set up in various districts to provide treatment for young persons suspected to have psychosis with a view to reducing the lag time between the onset of severe mental illness and treatment. In 2008-09, around 1 000 young people with mental problems underwent assessment and 660 of them were identified and referred for treatment under the programme.

309. There are views that the waiting time for public healthcare services, including mental health services, was too long. The HA has implemented a triage system at its psychiatric specialist outpatient

clinics to assess new cases according to the urgency of patients' clinical conditions and arrange the date of medical appointment accordingly. This is to ensure that patients with urgent needs can receive timely treatment. In 2008-09, the median waiting time for urgent cases at psychiatric specialist outpatient clinics is around one week. On the other hand, patients who suffer from acute psychiatric conditions and require urgent care can be admitted to hospitals for treatment via the Accident and Emergency Departments.

310. To further strengthen early identification and intervention services for children with mental health problems, the HA and the SWD have jointly implemented the "Child and Adolescent Mental Health Community Support Project" since 2005. The project provides outreach service for children and adolescents with emotional problems, such as depression and anxiety, and organises public education activities on mental health. Up to March 2009, 477 talks and workshops were organised under the project.

Addressing adolescents' problems relating to tobacco smoking, alcohol consumption and drug abuse

(a) Tobacco smoking

311. The Smoking (Public Health) Ordinance (Cap. 371) prohibits sale of tobacco products to persons under the age of 18. It also prohibits giveaways or sale by vending machine, with gift, discount, coupon or non-tobacco products, or in packet of less than 20 sticks of cigarettes. The Ordinance also stipulates that pictorial health warnings should be applied on retail containers of cigar, pipe tobacco or cigarette tobacco. Any packaging of such products should not bear any term, descriptor, trademark, figurative or any other sign that is likely to create an erroneous impression that the product is less harmful to health. Coupled with tobacco advertising ban, these restrictions in promotion and distribution of tobacco products help reduce initiation and continuation of smoking among youths.

312. On publicity and educational programmes, outreaching school talks were held to prevent tobacco use among school-aged children. Anti-smoking games were also organised to cultivate smoke-free culture among youngsters. Smoking cessation roving exhibitions and carnivals were often launched to disseminate smoke-free messages to the community. In 2009, the Tobacco Control Office launched the “Interactive Online Cessation Centre”, which serves as an interactive web-based platform providing education on tobacco hazards and assistance in smoking cessation, with adolescence as the principal target user. To further strengthen the smoking cessation services in the community, the DH collaborates with the Tung Wah Group of Hospitals to operate a three-year pilot community-based smoking cessation programme, which has commenced since January 2009. To reduce the number of youth smokers, the Tung Wah Group of Hospitals networked with primary and secondary school principals and school social workers and organised some tailor-made developmental groups and counselling programmes for high-risk teenagers or youth smokers.

(b) Alcohol consumption

313. Currently, under the Dutiable Commodities (Liquor) Regulations (Cap. 109B), it is an offense for permitting any person under the age of 18 years to drink any intoxicating liquor on any licensed premises.

314. Under the codes of practice for regulation of television and sound broadcasting services issued by the Broadcasting Authority, there are also restrictions on advertising alcoholic beverages to young people. In brief, such advertising should not be broadcast on television and radio at the timeslots targeting children or young persons under the age of 18 and should not encourage young persons to drink.

315. On publicity and educational programmes, the DH has produced a variety of health promotional materials and on-line publications, and organised publicity campaigns (such as roving exhibition) through its Men’s Health Programme to increase public awareness over the hazards and harms of alcohol misuse.

316. In addition, the DH has issued a publication named “Promoting Health in Hong Kong: A Strategic Framework for Prevention and Control of Non-communicable Diseases” in 2008, and “alcohol misuse” is one of the priority areas for action. A working group has been formed to discuss and recommend actions to promote sensible drinking and reduce harmful use of alcohol in the population.

(c) *Drug abuse*

317. In view of the rising youth drug abuse problem, in the 2007-08 Policy Address, the Chief Executive announced that he would appoint the Secretary for Justice to lead an interdepartmental Task Force to consolidate strategies to combat juvenile drug abuse from a holistic perspective. The Task Force launched in June 2008 a territory-wide campaign to enhance public awareness on the youth drug abuse problem and to muster community support for the anti-drug cause. Over 100 programmes catering for students and young people had since been organised, including anti-drug competitions, dramas, life-skills training camps, and online activities. The Beat Drugs Fund sponsored a host of projects in 2008 and 2009 to support various sectors of the community to help young people stay away from drugs. In November 2008, the Task Force promulgated a reinvigorated, comprehensive anti-drug strategy with 70 plus recommendations covering preventive education and publicity, treatment and rehabilitation, law enforcement and legislation, external co-operation and research.

318. Acknowledging that drug abuse is often one of the many symptoms of the family, growth, learning or career problems faced by young people, the Task Force also advocated a caring culture for the youth in the community through launching “Path Builders” initiative. Individuals and organisations are mobilised to offer help in various forms including mentorship, internships, job opportunities, etc. to give youngsters opportunities and strengthen their resistance to adversity and temptations.

319. The Chief Executive announced in July 2009 that the anti-drug campaign would be further stepped up in five aspects, namely community awareness and mobilisation, community support,

drug testing, treatment and rehabilitation and law enforcement. Co-ordinated efforts are made across bureaux and departments and community stakeholders to pursue various measures vigorously. Action to tackle drug abuse among children and youth and the relevant statistics are detailed in paragraphs 595 to 621, 628, 629 and 636 to 639 in Chapter VIII.

HIV/AIDS

Paragraph 70 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

In the light of the Committee's General Comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, the Committee recommended that the State party strengthen its efforts to prevent the spread of HIV/AIDS both on the Mainland and in the SARs and continue to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups.

320. The situation of HIV/AIDS infection among children is under control in the HKSAR. As at the end of 2008, 47 (or 1.2%) out of the 4 047 reported cases (as compared to 36 (or 2.3%) out of 1 542 reported case in the Initial Report) of HIV infection in Hong Kong were aged 15 or below. Twenty were infected as a result of mother-to-child transmission. Most of the remainder contracted the virus through transfusion of blood or blood products before August 1985. In line with the Committee's General Comment No. 3 regarding mother-to-child transmission, the universal antenatal HIV testing was introduced in 2001 with a view to minimising mother-to-child transmission of HIV infection. In fact, mother-to-child HIV transmission has reduced from two cases (1%) in 2001 to zero cases in 2008. On average, only one to two mother-to-child transmission were reported per year. Also, all infected babies will benefit from early diagnosis and treatment.

321. The most important priority in relation to children and HIV/AIDS is to prevent HIV transmission in children in Hong Kong. This could be achieved by universal antenatal HIV testing, a programme

which has been implemented in Hong Kong since 2001. The average cost on HIV tests and education was \$4.58 million per annum for its first three years. The cost of intervention for HIV-complicated pregnancy and care of mothers and infants was \$0.62 million per annum.

322. To improve the coverage of the programme, HIV rapid test has been introduced for late presenting pregnant women in labour wards since 2008, with a view to allowing timely intervention. For the next five years, we aim at maintaining a high coverage for the universal antenatal HIV testing programme.

323. As mentioned in paragraph 287 of Part II of the Initial Report, it remains the case that as a matter of policy, children with HIV are not segregated in schools or in regard to access to social services.

Child and adolescent sensitive health services

324. The DH's AIDS Counselling and Testing Service, together with NGOs such as Family Planning Association, Boys' and Girls' Clubs Association, provide child- and adolescent- friendly HIV-related services. These services include confidential voluntary counselling and testing, knowledge of HIV status, etc. Health personnel are trained to ensure that the rights of children to privacy and non-discrimination are fully respected.

Education and awareness raising on AIDS

325. As mentioned under paragraphs 296 to 298 above, the EDB is committed to the promotion of sex education. In schools, HIV/AIDS education is promoted in schools as part of the sex education which is an integral part of the school curriculum for all levels.

326. In addition to paragraph 284 of Part II of the Initial Report, elements of sex and AIDS education are included in various Key Learning Areas (KLAs) (e.g. Personal, Social and Humanities Education, Science Education, Technology Education), subjects (e.g. General Studies at primary level and Liberal Studies at secondary level), as well as Moral and Civic Education at both primary and secondary levels.

327. To support the implementation of sex education in schools and equip school principals and teachers with updated knowledge and pedagogy in the promotion of HIV/AIDS education, the EDB regularly organises seminars, workshops and courses for principals and teachers of primary and secondary schools so as to enhance their skills, knowledge and competency in promoting sex education. Learning and teaching resource materials are also produced and updated regularly. The EDB will continue to organise professional development programmes on related topics and produce more teaching resource materials to facilitate teachers in the promotion of HIV/AIDS education in schools.

Article 27 (1) and (3) - Standard of living

Paragraphs 72 to 74 of the previous Concluding Observations
(CRC/C/CHN/CO/2) :

In respect of the HKSAR, the Committee raised concerns at the existence of child poverty among vulnerable populations such as the unemployed, immigrants and single parent families, and at the lack of an established poverty line which it considered had hindered the formulation of appropriate policies to combat poverty. It recommended that in the HKSAR, the State party establish a poverty line and develop appropriate policies to combat child poverty that address widening income disparities while expanding access to social welfare benefits to all vulnerable populations, including new arrivals from the Mainland.

328. Further to policies and measures described in paragraphs 319 and 332 of Part II of the Initial Report, the HKSAR Government and other sectors of the community have made a lot of efforts to improve the welfare of various groups in the community.

Commission on Poverty (CoP)

329. The HKSAR Government attaches great importance to poverty alleviation. We established the CoP in February 2005 to study, from a macro perspective, how to help the poor and alleviate poverty. The CoP had conducted extensive public engagement and enhanced our understanding of poverty in Hong Kong, made immediate improvements

on existing policies and measures, and made recommendations on the direction of future work to prevent and alleviate poverty.

330. The CoP concluded its work and published a report in June 2007, in which some 50 recommendations were made. One of the major recommendations was to set up the CDF to try out a new asset-based model which encouraged longer-term development of children from a disadvantaged background with a view to reducing intergenerational poverty. Subsequently, the \$300 million CDF was set up in April 2008. It aims to provide children from a disadvantaged background with more personal development opportunities by drawing on and consolidating resources from the family, the private sector, the community and the Government to support the longer-term personal development of children. Through formulating and implementing personal development plans, the CDF seeks to encourage these children to plan for the future, develop an asset-building habit and accumulate financial assets as well as non-financial assets (such as positive attitudes and a proper mindset, personal resilience and capacities as well as social networks) which are important to their future development. The three core components of the CDF, namely personal development plans, mentorship programme and targeted savings, will enhance the children's abilities to manage resources and plan for their own future. The first batch of seven CDF pioneer projects, run by six NGOs and benefited 750 children aged 10 to 16, was rolled out in December 2008. Taking into account the evaluation results and practical experience in implementing the first batch of pioneer projects, we will consider the timing for rolling out the second batch of CDF projects. We estimate that the CDF will benefit at least 13 600 children. We will also consider further developing the CDF into the longer-term model to promote child development in Hong Kong.

331. In addition, the CoP considered that education was essential to prevent intergenerational poverty and alleviate income disparity. The HKSAR Government introduced the PEVS in September 2007 to subsidise early childhood education so that all children can receive quality and affordable pre-primary education. Besides, free education has been extended to 12 years to cover primary and secondary education since 2008-09. See Chapter VII for details of these initiatives.

332. Some commentators have called for the reinstatement of the CoP. The HKSAR Government is of the view that it is not necessary to reinstate the CoP. A TFP, headed by the Secretary for Labour and Welfare and comprising representatives from bureaux and departments concerned as members, was set up in October 2007 to co-ordinate efforts across the Government in tackling poverty related issues and monitor the progress in implementing the recommendations made by the CoP. The TFP has duly followed up on the recommendations of the CoP. Some of the recommendations, such as the CDF as mentioned in paragraph 330 above, the relaxation of disregarded earnings arrangements under the CSSA Scheme (to provide more incentive for CSSA recipients to find and remain in employment), provision of further support and training to hardcore unemployed youth to help them rejoin the workforce or return to mainstream schooling, enhancement of outreach work for identifying hidden and singleton elders and providing them with the necessary support services, and the district-based poverty measures, etc. have been implemented. Implementation plans for other recommendations have also been worked out. The TFP will continue to co-ordinate the Government's efforts and explore new initiatives/measures to assist the disadvantaged groups and people in need.

Poverty indicators

333. Taking into consideration overseas experience as well as views from academics and NGOs in Hong Kong, the CoP decided to establish a set of multi-dimensional indicators for monitoring the poverty situation in Hong Kong at a macro level. The fundamental concept behind this multi-dimensional approach is that since Hong Kong is a relatively affluent society, it would not be appropriate to adopt a single income-based poverty indicator alone. Rather, it would be more appropriate to use a set of indicators that can reflect the situation in different areas (e.g. health-care, education, housing etc.) and to understand the needs of different people from their life cycles.

Social Security

334. The CSSA Scheme and the Social Security Allowance (SSA) Scheme are the mainstays of our social security system. As mentioned in paragraphs 307 to 314 of Part II of the Initial Report, we continue to provide a safety net to help individuals and families (including their children) meet their basic needs through the non-contributory CSSA Scheme.

335. CSSA payments can be broadly classified into three types, namely standard rates, supplements and special grants (e.g. rent allowance, child-care grants, etc.). CSSA families can flexibly deploy their CSSA monthly payments to procure goods and services according to their own circumstances and needs.

(a) Special needs of children, single parents and family carers

336. The CSSA Scheme addresses the special needs of children in various ways, including -

- **higher standard rates for children:** these range from \$1,455 to \$2,200 per month per child, which are \$140 to \$370 higher than the rates for able-bodied adults;
- **special grants to meet the educational need of children:** these cover expenses such as school fees, meal allowance, transport costs to and from school, public examination fees and school related expenses on selected items such as books, stationery, school uniforms, miscellaneous and minor one-off expenses. For instance, a child attending lower secondary school may receive a special grant of \$3,880 to meet the selected items of school-related expenses in an school year (e.g. textbooks); and
- **further assistance on discretionary basis:** the Director of Social Welfare would exercise discretion under the CSSA Scheme to assist children in need, depending on the situation of their families. For example, children from

CSSA families may each be granted a subsidy of up to \$500 to buy spectacles.

337. Single parents and family careers also receive higher standard rates than other able-bodied adults. In addition, a monthly supplement of \$255 is payable to single parent families to recognise the special difficulties which single parents face in bringing up their families.

(b) Level of payments

338. As set out in our response in relation to Article 4 in paragraphs 34 to 39 in Chapter I, we have been adjusting the standard rates of CSSA in accordance with the movement of the SSAIP, which measures price changes in goods and services consumed by CSSA households, so as to maintain purchasing power of the payments. For example, based on the movement of SSAIP, the standard rates of CSSA were adjusted upward five times. The latest adjustment was made in February 2009, where the standard rates of CSSA were increased by 4.7%. We will continue to closely monitor the movement of the SSAIP and adjust the standard rates of CSSA in accordance with the established mechanism.

(c) Exemption and Discretion of Residence Requirements under the CSSA Scheme

339. We have implemented a new residence requirement for our social security schemes since 1 January 2004. Under the new requirement, Hong Kong residents aged below 18 are exempted from any prior residence requirements. This measure is a relaxation of the previous arrangements for child immigrants, accords more favourable treatment to minors, and is in keeping with the spirit of the Convention.

340. For adult applicants, to be eligible for CSSA, they must have been a Hong Kong resident for at least seven years (i.e. the seven-year residence requirement); and have resided in Hong Kong continuously for at least one year immediately before the date of application. The seven-year residence requirement provides a rational

basis on which our public resources are allocated, help to sustain a non-contributory social security system with an increasing demand, and strike a balance between the interests of various sectors of the community. It also aims to encourage new arrivals who can work to be self-reliant rather than relying on welfare assistance, and underlines the need for potential immigrants to plan carefully and ensure that they have sufficient means to be self-supporting before settling in Hong Kong.

341. Nevertheless, the Director of Social Welfare can exercise discretion to grant CSSA to an adult who does not meet the seven-year residence requirement. To determine whether discretion should be exercised to waive the requirement, the Director of Social Welfare will take into account all relevant factors of the case (e.g. the applicant's means of livelihood after arrival, the cause of his hardship, and other possible sources of assistance in Hong Kong etc.) to establish whether there is genuine hardship. Moreover, where an applicant works to support his family members, discretion will normally be exercised to waive the requirement in consideration of his efforts to become self-supporting. Between 1 January 2004 and 31 December 2008, discretion was exercised on 4 918 applications in which the applicants did not meet the seven-year residence requirement.

Statutory minimum wage

342. Some commentators suggested that “reasonable living wages” and “reasonable working hours” be introduced to assist low income parents in performing their child-rearing responsibilities. In this regard, the Chief Executive has announced in his 2008-09 Policy Address that the HKSAR Government would introduce a statutory minimum wage for all employees in Hong Kong, including young workers. Legislative work is now in progress. As for the call for reasonable working hours, it is a complicated issue and views on the issue remain highly divergent among different sectors of Hong Kong. Given the possible far-reaching implications for Hong Kong's economy, the HKSAR Government has been cautious in dealing with this issue. At this stage, the HKSAR Government has no plans to stipulate mandatory standard working hours. Notwithstanding, we appreciate that consistently long working hours may affect employees' health, their

families and their social life. Therefore, current labour legislation has laid down provisions on work and rest day arrangements.

Access to social welfare

343. Family and child care services are available and accessible to all residents, including new arrivals from the Mainland. Enhancements in family services as mentioned in paragraphs 249 to 250 in Chapter V above have been put in place to provide better support for new arrivals. In terms of child care services, through subvented NGOs, various residential and day child care services are available to children who have genuine needs and meet the admission criteria, including children whose parents are new arrivals. The main admission criteria for these services are the social needs of the family and children and the children's health conditions as well respective age range.

Access to public housing

344. Our housing policy was mentioned in paragraphs 320 to 326 of Part II of the Initial Report. Since November 2002, the Government has repositioned its housing objectives and strategies. The focus of our subsidised housing policy is to provide public rental housing for families who cannot afford private rental accommodation. As at end 2008, about 680 100 households, comprising two million people, lived in public rental housing estates. Applicants for public rental housing are registered on a waiting list and eligibility is means tested to ensure rational use of public resources. At the end of 2008, there were over 111 300 applicants on the waiting list. In the past five years, we have maintained the average waiting time for public rental housing at around three years as targeted (the average waiting time as at end 2008 was 1.9 years).

Catering for children's needs

345. Most of the public housing are provided with facilities such as ball courts, children's play areas, clinics, and social, educational, community, transport and retail facilities. The space standard in allocation of public rental housing for children is the same as that for

adults (Seven square meters of internal floor area per person) to take into account their developmental needs. Besides, an additional member will be counted for computation of allocation space for households having a family member with 16 weeks' gestation or more. Under the Harmonious Families Transfer Scheme of the Housing Department which aims at facilitating elderly households and their second generations to live close to each other if both families are residing in Public Rental Housing flats in different District Council districts, priority in cross-district transfer⁸ will be given to young families with a child aged below six or a family member with 16 weeks' gestation or more.

Inadequately housed households

346. We are committed to reducing the number of inadequately housed people (i.e. households living in temporary housing or households sharing accommodation with other households in private housing involuntarily), and helping households gain access to affordable housing. We have continued our efforts to achieve these objectives –

- (a) **implementation of the public housing programme:** between 2004-05 and 2008-09, we rehoused a total of 115 900 households to public rental housing flats (including those affected by redevelopment of public housing estates and clearance of squatter areas). Many of these beneficiaries were formerly inadequately housed; and
- (b) **redevelopment and clearance of old and non-self-contained public housing flats :** as at end 2008, we have cleared 559 blocks including 296 blocks of non-self-contained flats through the Comprehensive Redevelopment Programme. Those living in these old buildings were rehoused to other self-contained public

⁸ Under the Harmonious Families Transfer Scheme, if the applicant wish to move to a more popular Waiting List application district (say, from the New Territories to the Extended Urban/Urban, or from the Extended Urban to the Urban), seven years' residence in a Public Rental Housing (PRH) flat is required. However, for families with a child aged below six or a family member with 16 weeks' gestation or more, only five year's residence is required for such cross-district transfer.

housing flats. The Comprehensive Redevelopment Programme would be completed upon clearing the remaining seven blocks in Lower Ngau Tau Kok Estate in 2009-10.

347. These measures have further reduced the percentage of inadequately housed households from 6.3% in 1999-2000 as previously reported, to 1.8% in 2008-09 (or, in terms of actual number of households, 132 000 in 1999-2000 to about 40 400 in 2008-09) with the percentage of such households with members aged under 18 dropped from 27% to 21%.

Eligibility of new-arrival families for public housing

348. Some commentators urged for relaxation on the requirement of seven year of residence in applying public housing. New arrivals and their children can register on the Waiting List for public rental housing if they meet the eligibility criteria. Over the past few years, we have further relaxed the residence requirement to make it easier for newly arrived children and their families to become eligible for public rental housing. In doing so, we need to strike a balance between the needs of long-term residents and new arrivals. At the time of allocation, as long as at least half of an applicant's family members in the application have lived in Hong Kong for seven years and are still living in Hong Kong, the household concerned will be allocated a flat. Moreover, all children under the age of 18 are deemed to have fulfilled the seven-year requirement -

- regardless of their place of birth if one of their parents has lived in Hong Kong for seven years; or
- if they are with established Hong Kong birth status as permanent residents.

349. Under special circumstances, new arrivals who face genuine difficulty in finding accommodation and are unable to solve their housing problems may seek assistance from the SWD which may recommend them to Housing Department for Compassionate Rehousing.

Access to Education

350. This is addressed in paragraphs 451 to 452 in Chapter VII, in relation to Article 28 of the Convention.

Food

351. There has been an increase in the price of foodstuff along with the increase in wages as reflected in the indices of wages, consumer price index (A) and foodstuff, updated in Table 38 below. To relieve the inflationary pressure on the low-income groups, the Government has allocated a sum of \$100 million to put in place short-term food assistance service projects for those individuals and families who have difficulties in coping with daily food expenditure. A total of five district-based food assistance service projects were launched in February 2009. The target service users of the projects include the unemployed, low-income earners, new arrivals, street sleepers, individuals or families encountering sudden changes and facing immediate financial hardship, and those having not benefited from any other relief measures announced by the Government. Each service user will receive food assistance for a maximum of six weeks. Subject to the review of individual merits, provision of further short-term food assistance after six weeks may be considered.

Public transport

352. As mentioned in paragraph 327 of Part II of the Initial Report, Hong Kong has an excellent public transport network, offering a wide range of choices to commuters. The concessionary fares offered to children and full time students are more or less the same as in the Initial Report. Spending on public transport comprises about 6% of average household expenditure in Hong Kong.

B. Comprehensive programmes – monitoring

Article 6(2) - Survival and development

353. The infant mortality rate was 1.8 per 1 000 registered live births in 2008 of Hong Kong, down from 2.3 in 2003 and 3.2 in 1998. The infant mortality rate has declined steadily over the past 20 years and was the lowest in the world in 2007. By contrast, the maternal mortality ratio was 2.5 per 100 000 registered live births in 2008, higher than the corresponding figures of 1.4 in 2007 and 1.5 in 2006. However, the apparently large increase in the ratio in 2008 is due to the very low number of maternal deaths: there were a total of two registered maternal deaths in that year, and one in each of the previous two years. For this reason, the ratios tend to fluctuate from year to year: in 1998 it was 1.9 and in 2003, it was 4.2. That these figures compare well with those in most developed countries is illustrated by the ratios for Germany (four per 100 000), Japan (six per 100 000), the United Kingdom (eight per 100 000) and the USA (11 per 100 000) in 2005.

Maternity benefits and protections

354. The Family Health Service of the DH operates 31 easily accessible MCHCs throughout Hong Kong. The MCHCs collaborate with the public hospitals to provide a comprehensive shared-care programme to monitor the entire pregnancy and delivery process of a pregnant woman. Routine antenatal checkups, blood tests and health education on pregnancy related issues are also provided at the MCHCs. In 2008, 53% of women delivered in public hospitals, while 47% of women delivered in private hospitals. About 60% of women who delivered in public hospitals attended the MCHCs for antenatal services.

355. After delivery, all mothers attending the MCHCs will receive postnatal check-ups and advice on family planning. Postnatal mothers are also provided with assistance and support in adapting to motherhood through participation in experience sharing sessions in support groups and individual counselling organised at the MCHCs.

356. Other maternity protection measures are as mentioned in paragraphs 244 and 245 of Part II of the Initial Report.

Measures on Road Safety for Children

357. The Committee expressed general concern about the injuries and death of adolescent resulting from road traffic accidents in the General Comment No. 4. Measures taken by the Government in reducing accidents on the road, particularly those involving children, are elaborated in the follows paragraphs.

General measures and public education

358. Enforcement and legislation aside, education is an important tool to enhance road safety among children. The four “Road Safety Towns”, which provide a simulated road environment to enhance children's awareness of road safety, turn road safety education into a fun engaging atmosphere for small children. The “Road Safety Bus”, which provides a mobile exhibition and presentation platform featuring computer games and interactive learning facilities for role play, quizzes and puzzles, continues to inspire and educate students, residents in housing estates and children in youth centres. Primary school General Studies programmes, Personal, Social and Humanities courses and Physical Education at secondary school level have incorporated elements such as safety regulations, the proper use of public transport and common causes of traffic accidents. To support the promotion of road safety education in schools, teachers are provided with resource materials and teaching plans.

School transport

359. In the HKSAR, there are currently two types of student service vehicles (SSVs), namely school buses and school private light buses, provide student transport services in Hong Kong. We have all along attached great importance to the safety of SSVs. To further enhance the safety of SSVs, the Commissioner for Transport has revised the conditions of the Passenger Service Licence issued to SSVs to require the provision of escorts on SSVs that serve kindergartens or primary school pupils.

360. Furthermore, we have introduced legislation to require all SSVs registered on or after 1 May 2009 to install “safer seats” – strong, fire-resistant and closely spaced seats with high and energy-absorbing seat backs. The design of such seats has proven effective in protecting school children, as they can reduce the risk of students being thrown out of their seats and the extent of their injuries in vehicle collisions.

361. Apart from active enforcement, the Police will continue to enhance the safety awareness among SSV drivers through education and publicity. For example, a territory-wide campaign is launched to promote school transport safety in August and September every year. Regional Road Safety Teams give out promotional leaflets in various districts to remind SSVs drivers, teachers and parents of student transport safety. The Police also give talks in schools to educate students on safety precautions when travelling on SSVs.

362. To ensure the safety of students on board, the EDB has published “Guidelines for Ensuring Safety of students on Student Service Vehicles – For School Bus Service Operators to Observe”. The guidelines are applicable to all local school bus service operators.

Article 23 - Children with disabilities

363. Updates to the position as reported in paragraphs 290 to 306 in Part II of the Initial Report are reported below.

Convention on the Rights of Persons with Disabilities

364. The application of the Convention on the Rights of Persons with Disabilities to Hong Kong is explained in paragraphs 133 and 134 in Chapter III. As stipulated in Article 7 of this Convention, States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children; in all actions concerning children with disabilities, the best interests of the child shall be a primary consideration; and States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with

their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realise that right. Funding allocated for public education on this Convention is set out in paragraph 398 below.

Prevention, identification and assessment

Comprehensive Child Development Service (CCDS)

365. In 2005, we have launched a new inter-departmental service on providing comprehensive and integrated support to needy children and their family. The service, called CCDS, targets children aged five or below, and aims to identify and meet, at an early stage, the various health and social needs of children and those of their families, and provide comprehensive and timely support where necessary. The details are explained in paragraph 378 below.

Assessment in schools

366. The Student Health Service of DH, in addition to providing annual health assessments set out in paragraph 291 of Part II of the Initial Report, also provides vision screening for all attending primary and secondary school students. Hearing screening is provided to Primary One students and those who join the service for the first time. The EDB also provides Teachers Observation Checklists to primary schools for identifying students with learning and speech/language difficulties. The emphasis is on early identification and the prevention of a mild impairment from becoming a serious or permanent disability. Those suspected to have serious learning difficulties or speech/language problems are referred by schools to educational psychologists and speech therapists respectively for assessment. Students suspected to have multiple developmental problems are referred by medical practitioners or educational psychologists to the Child Assessment Centres of the DH or the specialist clinics of the HA for assessment.

Training and education

367. It remains our belief that for children with disabilities, early intervention plays an important part in the rehabilitation to minimise possible impact of their disabilities on their development and help them develop their potentials in full. To this end, various service units as mentioned in paragraph 293 of Part II of the Initial Report have been providing services for children with different types of disability aged six or below. Integrated programmes of training and care are provided in ordinary child care centres/kindergarten-cum-child care centres for mildly disabled children aged two to six so as to facilitate their future integration into the mainstream education as well as in the society. The number of places available at some of the service units for children with disabilities is set out in paragraph 400 below.

368. With effect from the 2008-09 school year, free education has been extended to senior secondary levels. With the implementation of the NSS academic structure from 2009-10 school year, which will be further discussed in paragraphs 443 to 444 below in Chapter VII, disabled students will receive three years of senior secondary education in ordinary or special schools. Other measures provided to facilitate the education of students with special educational needs are also set out in paragraphs 455 to 458 in Chapter VII.

Transport

369. As mentioned in paragraph 301 of Part II of the Initial Report, the Government and public transport operators continuously seek to improve the user-friendliness of public transport facilities for people with disabilities. As at end December 2008, all railway stations are provided with at least one barrier-free access to facilitate those in need to move between the station platform and the concourse by making use of lifts, escalators or other ancillary facilities. All major franchised bus companies have agreed that all new buses purchased would be wheelchair accessible with low floor and ramps. About half of the franchised bus fleet are now equipped with low floor and ramps. Moreover, since October 2008, an NGO has been sponsored by a charitable organisation to provide 20 seven-seater vehicles to serve wheelchair-bound passengers.

370. At the same time, the Government has been encouraging public transport operators to introduce fare reductions or concessions, taking into account their operational and financial conditions, the economic environment and customer needs. At present, major public transport operators offer various kinds of fare concession schemes to passengers, including children with disabilities.

Access to buildings

371. Following a review of the “Design Manual: Barrier Free Access 1997” as mentioned in paragraph 302 of Part II of the Initial Report, Buildings Department’s “Design Manual: Barrier Free Access 2008”, which sets out the revised design requirements for the provision of access and facilities to persons with disabilities, came into operation on 1 December 2008. The new design and standards apply to new buildings and alterations and additions to existing buildings. The enhanced barrier-free design requirements aim to improve provisions leading to better and more convenient access and facilities and to facilitate greater independence of not only persons with a disability and the elderly but also people with other forms of physical infirmities or limitations such as pregnant women and families with young children.

Public education

372. Both the Government and NGOs continue to run campaigns to promote public understanding and acceptance of different types of disability. Thematic messages include prevention of disabilities, promotion of barrier free environment, employment for persons with disabilities and the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.

373. Some commentators proposed setting up a specialised body to deal with matters concerning education, medical services, social welfare and employment of children with disabilities. At present, all Government bureaux and departments take due regard of, amongst others, the obligations under the Convention on the Rights of Persons with Disabilities in formulating relevant policies, implementing programmes and delivering services and in consultation with other

relevant bureaux and departments if necessary. They also work with the Rehabilitation Advisory Committee, the advisory body on matters pertaining to the rights of persons with disabilities mentioned in paragraph 134 in Chapter III, and with other representative organisations of persons with disabilities and relevant sectors to promote the participation of persons with disabilities in society.

Article 24 - Health and health services

General

374. The Government continues to operate a wide range of primary health care services for children. It also operates public hospital services through the HA as well as specialist clinics. The policy remains that no one should be prevented through the lack of means from obtaining adequate medical treatment. With effect from 1 April 2003, public hospitals under the HA charge in-patients \$50 for the admission fee and \$100 per day for the maintenance fee of acute beds, or \$68 per day for non-acute beds. Children under 12 are charged half of the bed maintenance fees. Patients are charged \$100 for first consultation and \$60 per attendance of follow-up consultation at public specialist out-patient clinics. Fee waivers are granted to all recipients of CSSA and in cases of financial hardship.

Primary healthcare

375. Further to paragraph 252 of Part II of the Initial Report on the MCHCs, the Centres provide a comprehensive health promotion and disease prevention services for young children from birth to five years through the Integrated Child Health and Development Programme. The Programme comprises three core components, namely the Parenting Programme, the Immunisation Programme and the Health and Developmental Surveillance Programme. The 2008-09 provision under DH for child health related family health service is \$227 million.

376. The Parenting Programme aims to equip parents of all children attending MCHCs with the necessary knowledge and skills to bring up healthy and well-adjusted children. Anticipatory guidance on

child care, child development and positive parenting are provided to all parents during the antenatal period and throughout the pre-school years of children by means of information leaflets/videos, workshops and individual counselling. For parents of children with early signs of behaviour problems or parents who encounter difficulties with parenting, a structured group training programme on positive parenting skills – Positive Parenting Programme is offered to reduce parenting stress and prevent child behaviour problems, thereby promoting the mental health of parents and children.

377. The MCHCs regularly monitor children for early detection of growth, developmental or behavioural problems through the Health and Developmental Surveillance Programme. The programme includes newborn examination, newborn hearing screening, preschool vision screening, growth monitoring and developmental surveillance. Health care professionals in the MCHCs work in partnership with parents/caregivers in the continual monitoring of the growth and development of the children. Children with significant health, developmental or behavioural problems are referred to specialists or the Child Assessment Service for further management where appropriate. As mentioned in paragraph 254 of Part II of the Initial Report, upon further assessment and examination, the Child Assessment Centres may refer children to nurseries and special child care centres subvented by the SWD, or to special schools run by the EDB.

Comprehensive Child Development Service (CCDS)

378. In July 2005, the CCDS was launched for children aged five and below. The CCDS aims to identify and meet, at an early stage, the various health and social needs of children aged five or below and those of their families. Through inter-sectoral collaboration among the DH, HA, EDB, SWD and NGOs at district level, comprehensive and timely support is provided to children and families in need. The CCDS uses the MCHCs (which serve about 90% of new born babies by Hong Kong residents), Obstetric Departments of hospitals under the HA, IFSCs, ISCs and pre-primary institutions as a platform to identify at-risk pregnant women, mothers with postnatal depression, families with psychosocial needs as well as pre-primary children with health,

developmental and behavioural problems, and deliver co-ordinated services among health, education and social sectors. Children and families in need are referred to appropriate service units for follow-up.

Preventive healthcare

379. A comprehensive immunisation programme protects infants and young children from 10 childhood infectious diseases⁹ (see Table 18 below).

Table 18: Programme of immunisation

Age	Immunisation recommended
New born	BCG (Bacillus of Calmette and Guerin) Vaccine
	Hepatitis B Vaccine - first dose
One month	Hepatitis B Vaccine - second dose
Two months	DTaP-IPV Vaccine (Diphtheria, Tetanus, acellular Pertussis and Inactivated Polio Vaccine) - first dose
	Pneumococcal Conjugate Vaccine – first dose*
Four months	DTaP-IPV Vaccine (Diphtheria, Tetanus, acellular Pertussis and Inactivated Polio Vaccine) - second dose
	Pneumococcal Conjugate Vaccine – second dose*
Six months	Hepatitis B Vaccine - third dose
	DTaP-IPV Vaccine (Diphtheria, Tetanus, acellular Pertussis and Inactivated Polio Vaccine) - third dose
	Pneumococcal Conjugate Vaccine – third dose*
One year	MMR Vaccine (Measles, Mumps and Rubella) - first dose
	Pneumococcal Conjugate Vaccine – booster dose*
18 months	DTaP-IPV Vaccine (Diphtheria, Tetanus, acellular Pertussis and Inactivated Polio Vaccine) - booster dose
Primary 1	DTaP-IPV Vaccine (Diphtheria, Tetanus, acellular Pertussis and Inactivated Polio Vaccine) - booster dose
	MMR Vaccine (Measles, Mumps and Rubella) - second dose

⁹ Tuberculosis, hepatitis B, diphtheria, tetanus, whooping cough, poliomyelitis, measles, rubella, mumps and pneumococcal infection (with effect from 1 September 2009).

Age	Immunisation recommended
Primary 6	DTap-IPV Vaccine (Diphtheria, Tetanus, acellular Pertussis (reduced dose) and Inactivated Polio Vaccine) - booster dose

* with effect from 1 September 2009

380. The Scientific Committee on Vaccine Preventable Diseases of the Centre for Health Protection has been set up to provide science-based advice on vaccine use at the population level. The coverage rates for the different vaccines are at Table 19.

Table 19: Coverage rate for different vaccines in 2000-03

	Year of birth			
	2000	2001	2002	2003
BCG	99.7%	99.6%	99.5%	98.7%
Third dose of DTP	99.7%	99.8%	99.8%	100.0%
Second dose of OP	99.8%	99.9%	99.9%	100.0%
Third dose of HBV	99.6%	99.6%	99.5%	99.4%
First dose of MMR	95.6%	97.3%	98.0%	99.5%

Source: Immunisation Coverage Survey 2006. Centre for Health Protection, DH, HKSAR.

Paediatric care in hospitals

381. In 2009, the HA operates 14 medical institutions that provide inpatient paediatric services. Of those, 13 admit children with acute illness and three provide paediatric rehabilitation services. As at end 2008, there were a total of 1 107 hospital beds for paediatric patients. Since the submission of the Initial Report (see paragraph 256 of Part II thereof), the HA has designated specialised service centres for tertiary paediatric services, extended the scope of paediatric services to include adolescents under 18 and established a neonatal service network.

Assistance for children with suspected abnormalities

382. As at end 2008, some 17 specialist out-patient clinics were providing paediatric services in our public hospitals.

Oral health

383. The Government continues to actively promote oral hygiene and oral health awareness in school children. In the 2007-08 school year, 95% of primary school children participated in the School Dental Care Service conducted by the DH: up more than 8% on the 1999-2000 rate recorded in the previous report. The School Dental Care Service has also set up a 24-hour interactive voice response system and home page to provide information on the School Dental Care Service and oral health advice for the general public. The 2008-09 provision under DH for the School Dental Care Service is \$174 million, compared to \$164 million in 2007-08.

Environmental pollution and children's health

384. Some commentators raised the impact of environmental, particularly air pollution on children. Children are susceptible to air pollution and respiratory illnesses are common among Hong Kong children. We give high priority to controlling air pollution. The main strategies include (a) implementing a wide range of measures to control emissions from motor vehicles, power plants, and industrial and commercial processes locally, and (b) working with Guangdong Provincial Authorities to implement a joint plan to tackle the regional air pollution problem. In addition to the programmes for tackling air pollution already mentioned in paragraph 263 of Part II of the Initial Report, we have introduced additional measures in 2007 and 2008 with a view to further reducing vehicle emissions. These measures include -

- to provide incentives to vehicle owners for early replacement of old diesel commercial vehicles with those that comply with the prevailing statutory emission standard (i.e. Euro IV standard) for all newly registered vehicles;
- to encourage the use of environment-friendly petrol private cars through tax concession;

- to introduce a concessionary duty of \$0.56 for Euro V diesel from 1 December 2007. All oil companies have offered Euro V diesel in all petrol filling stations. Starting from 14 July 2008, the duty rate for Euro V diesel has been waived;
- to complete the public consultation on introducing legislation to ban idling engines. We are preparing the bill and target to introduce it to the LegCo in 2009-10; and
- to encourage the use of environment-friendly commercial vehicles through tax concession.

385. Moreover, there are ongoing programmes to address other forms of pollution (water, noise and waste) as mentioned in our Initial Report.

386. With the implementation of a comprehensive emission reduction program to cut down local emissions from both stationary and mobile sources, the local emissions of three key air pollutants (namely nitrogen oxides, respirable suspended particulates and volatile organic compounds) have reduced by 21% to 51% during 1997 to 2007. Vehicle emissions and pollution concentration at roadside have also substantially reduced since 1999. Compared with 1999, the roadside concentrations of the major air pollutant emissions from vehicles, namely respirable suspended particulates and nitrogen oxides, had been reduced by 22% and 23% respectively in 2008, and the number of smoky vehicles spotted has also been reduced by about 80%.

Food safety

387. Further to paragraph 265 of Part II of the Initial Report, the Food and Environmental Hygiene Department (FEHD) conducted a number of risk assessment studies in relation to food safety in children in the past few years. Examples include studies to assess the dietary exposures to food additives e.g. benzoic acid and sweeteners including acesulfame potassium, aspartame, cyclamic acid, saccharin and sucralose, as well as contaminants e.g. chloropropanols, antimony,

dichlorodiphenyltrichloroethane (DDT), ochratoxin A, lead, mercury and dioxins of the secondary school students in Hong Kong. The FEHD will continue to monitor the parameters/factors that might have an impact to the health of children and young students.

388. The FEHD also continues to conduct public education programmes on food safety and hygiene, including 72 talks in schools, distributing some 17 800 pamphlets on food safety to students and teachers in 2008. In addition, about 3 800 CD-ROMs with computer games on food safety were distributed to primary schools, kindergartens and child care centres to raise the awareness of children on the issue.

Control of communicable diseases

389. As regards the combating of communicable diseases in childhood, over 98% of the newborn babies were immunised with BCG, the vaccine for tuberculosis, in 2003. Over 95% of children aged between two to five years were immunised against poliomyelitis, diphtheria, pertussis, tetanus, measles, mumps, rubella and hepatitis B. Chickenpox, viral hepatitis and tuberculosis remain endemic. In addition to the current list of vaccines in the Childhood Immunisation Programme, pneumococcal conjugate vaccine has been incorporated into the programme with effect from 1 September 2009, which offers protection to young children against invasive pneumococcal diseases. Our other efforts are as outlined in paragraph 267 of Part II of the Initial Report.

Articles 26 and 18(3) - Social security and childcare services and facilities

390. Programmes relevant to social security and childcare services and facilities have been introduced and updated in paragraphs 219 to 236 in Chapter V in relation to Article 18(1) of the Convention as well as paragraphs 334 to 341 above.

Article 27 (1) to (3) - Standard of living

General position in Hong Kong

391. The Hong Kong economy entered a full-fledged upturn in 2004, following a rebound in mid-2003 after the waning of the negative impacts of the Severe Acute Respiratory Syndrome (SARS). The upturn since 2004 was broad-based, with growth registered on both the external and domestic fronts. Strong economic growth sustained throughout 2007, with Gross Domestic Product (GDP) leaping by 6.4% in real terms, marking the fourth consecutive year of robust economic expansion since 2004. The Hong Kong economy moderated rapidly in the second half of 2008, amidst the global financial tsunami. For 2008 as a whole, GDP increased by 2.4% in real terms over 2007.

392. Notwithstanding the slowdown in the economic growth in 2008, the strong economic recovery since mid-2003 has contributed to notable improvement in Hong Kong's average standard of living in recent years. This is reflected in the following statistical indicators -

- **per capita GDP at current market prices** amounted to \$240,327 in 2008: an increase of 31% over 2003. Netting out the price effect, the corresponding increase was equally significant, at 31% in real terms also;
- **median monthly household income** increased from \$16,000 in 2003 to \$18,000 in 2008: a cumulative increase of 13%; and
- **median monthly employment earnings** increased from \$10,000 in 2003 to \$10,500 in 2008: a cumulative increase of 5%.

393. Hong Kong ranked the 10th in the world in terms of purchasing power parity (PPP)-based per capita GDP in 2005, according to the results of the 2005 International Comparison Program published by the World Bank.

Extra assistance to families with disabled and ailing children

394. Apart from measures mentioned in paragraph 313 of Part II of the Initial Report, a monthly community living supplement was introduced in November 2005 for severely disabled CSSA recipients living in the community. Moreover, from July 2008, a monthly transport supplement is payable to severely disabled persons aged 12 to 64 who are receiving CSSA or Disability Allowance (DA) under the SSA Scheme, with a view to enhancing their integration into society¹⁰.

The DA under the SSA Scheme

395. The rates of DA are adjusted in accordance with the movement of SSAIP. From 1 February 2009, the rate of payment is adjusted upward to \$1,280 a month. A higher rate of \$2,560 is paid to severely disabled persons who need constant daily attendance but are not receiving such care in a Government or subvented residential institution. As at the end of 2008, around 126 000 people were receiving DA.

C. Allocation of budgetary and other resources

Services for children with disabilities and special needs

396. Paragraph 290 of Part II of the Initial Report stated that in 2000-01, the Government spent more than \$14 billion in services for children with disabilities and special needs. In 2009-10, our budget in this area has increased to about \$19.2 billion.

Vocational rehabilitation and employment

397. The skill centres, sheltered workshops and supported employment units mentioned in paragraph 300 of Part II of the Initial Report continued to provide vocational training to children with disabilities. As the end of 2008, the skills centres provided

¹⁰ Key transport operators in Hong Kong are already offering fare concessions to children aged 11 or below and senior citizens aged 65 or above.

600 full-time training places; the sheltered workshops provided 5 113 places; and there were 1 655 supported employment places.

Public education

398. Since the application of the United Nations Convention on the Rights of Persons with Disabilities to the HKSAR on 31 August 2008, the Government has increased the funding from \$2 million per year in 2008-09 to \$12 millions in 2009-10 to launch public education activities to promote the spirits and values enshrined in Convention.

D. Statistical data

Article 23 - Children with disabilities

399. The following tables show the number and percentage of children with disabilities by selected type of disability based on the findings of the Survey on Persons with Disabilities and Chronic Diseases conducted by the C&SD in November 2006 to December 2007. The persons with intellectual disabilities are excluded. Based on the survey findings, about 16 900 persons aged below 18 have selected types of disability (See Tables 20 and 21).

Table 20: Overview of number of children with disabilities

Age group	All persons with disabilities (excluding persons with intellectual disability) *			Total population
	No. of persons ('000)	%	Rate [#]	%
< 15	13.4	3.7	1.5	13.3
15 – 17	3.5	1.0	1.4	3.7
< 18	16.9	4.7	1.4	17.0
≥ 18	344.4	95.3	6.0	83.0
Overall	361.3	100.0	5.2	100.0

Notes :

* A person might have more than one selected type of disability and hence the overall number of persons with disabilities is smaller than the sum of the number of persons with individual types of disability.

As a percentage of all persons in the respective age/sex groups. For example, among all persons aged below 15, 1.5% were persons with disabilities.

Source: Survey on Persons with Disabilities and Chronic Diseases (November 2006 to December 2007)

Table 21: Children with disabilities by type of disability

(a) Restriction in body movement, seeing and hearing difficulty

Age group	Restriction in body movement			Seeing difficulty			Hearing difficulty		
	No. of persons ('000)	%	Rate [#]	No. of persons ('000)	%	Rate [#]	No. of persons ('000)	%	Rate [#]
< 15	1.5	0.8	0.2	1.5	1.2	0.2	1.5	1.6	0.2
15 – 17	0.7	0.4	0.3	0.5	0.4	0.2	0.6	0.6	0.2
< 18	2.2	1.2	0.2	2.0	1.6	0.2	2.1	2.2	0.2
≥ 18	185.6	98.8	3.2	120.6	98.4	2.1	90.1	97.8	1.6
Overall	187.8	100.0	2.7	122.6	100.0	1.8	92.2	100.0	1.3

Note :

As a percentage of all persons in the respective age/sex groups. For example, among all persons aged below 15, 0.2% were persons with restriction in body movement.

(b) Speech difficulty, mental illness/mood disorder and autism

Age group	Speech difficulty			Mental illness/ mood disorder			Autism		
	No. of persons ('000)	%	Rate [#]	No. of persons ('000)	%	Rate [#]	No. of persons ('000)	%	Rate [#]
< 15	3.0	10.6	0.3	0.9	1.1	0.1	2.5	67.6	0.3
15 – 17	0.5	1.8	0.2	0.5	0.5	0.2	#*	#*	#*
< 18	3.5	12.4	0.3	1.4	1.6	0.1	2.8	73.9	0.2
≥ 18	24.8	87.6	0.4	85.2	98.4	1.5	1.0	26.1	§
Overall	28.4	100.0	0.4	86.6	100.0	1.3	3.8	100.0	0.1

Notes :

[#] As a percentage of all persons in the respective age/sex groups. For example, among all persons aged below 15, 0.3% were persons with speech difficulty.

* Estimates equal to or less than 200 (including zero figures) and related statistics derived based on such estimates (e.g. percentages and rates) are not released due to very large sampling errors.

§ Less than 0.05.

(c) Specific Learning Difficulties and Attention Deficit/Hyperactivity Disorder

Age group	Specific Learning Difficulties			Attention Deficit/ Hyperactivity Disorder		
	No. of persons ('000)	%	Rate [#]	No. of persons ('000)	%	Rate [#]
< 15	5.8	59.0	0.6	3.9	70.5	0.4
15 – 17	1.2	12.0	0.5	0.4	7.4	0.2
< 18	7.0	71.0	0.6	4.3	77.8	0.4
≥ 18	2.9	29.0	§	1.2	22.2	§
Overall	9.9	100.0	0.1	5.5	100.0	0.1

Notes :

[#] As a percentage of all persons in the respective age/sex groups. For example, among all persons aged below 15, 0.6% were persons with Specific Learning Difficulties.

§ Less than 0.05.

400. The number of places available at service units for children with disabilities and aged six or below are provided under Table 22.

Table 22: Places on children with disabilities aged six or below in 2000 and 2008

	December 2008	December 2000
Early education and training centres	2 186	1 615
Special child care centres	1 860	1 269
Integrated programmes in ordinary child care centres	1 544	1 338

401. The number of school places and boarding places in special schools as at September 2008 is provided in Table 23. The number of students with special educational needs (SEN) studying in public sector ordinary schools from the 2006-07 to 2008-09 school years is at Table 24.

Table 23: Provision of school places in special schools for children with disabilities

(a) School places in Special schools

Category	No of schools	No of places
Visually impaired	2	180
Hearing impaired	2	230
Physically handicapped	7	860
Mildly intellectually disabled	10	3 280
Moderately intellectually disabled	13	
		+8*
Severely intellectually disabled	10	816
Schools for social development	7	1 050
Hospital schools	1	316
Total	60	8 392

* Schools for combined mildly and moderately intellectually disabled children.

(b) Boarding places in special schools

Category	Provision
Visually impaired	152
Hearing impaired	18
Physically handicapped	178
Moderately intellectually disabled	259
Severely intellectually disabled	422
Total	1 029

**Table 24: Students with SEN studying
in public sector ordinary schools in 2006-07 to 2008-09**

School year	Number of students (rounded to '000)
2006-07	10 000
2007-08	13 000
2008-09	18 000

Note: The above information is collected by the EDB through the Special Education Management Information System developed in recent years. The system has enabled full access of all public-sector secondary schools only from July 2008. Hence, it will take some time to input and compile more comprehensive data, including the number of students by SEN type.

Article 24 - Health and health services

402. The statistics on children with low birth weight, malnutrition, household with access to hygienic sanitation facilities and safe drinking water, immunization coverage of infants, proportion of new borns born in hospital and maternal deaths are set out in table 25 to 31 below.

Table 25: Proportion of newborns with low birth weight in 2004-08

	2004	2005	2006	2007	2008
Number of all newborns with known birth weight	49 791	57 094	65 624	70 875	78 757
Number of newborns with low birth weight (<2.5kg)	2 779	2 989	3 353	3 805	4 112
%	5.6%	5.2%	5.1%	5.4%	5.2%

Table 26: Percentage of children underweight and stunting at the ages of six months, one year and three years

Age group	Indicator of malnutrition	
	Underweight ¹	Stunting ²
6 months	1.2%	-
1 year	1.0%	-
3 years	1.6%	2.8%

Notes:

1. Underweight is defined as weight-for-age < 2-standard deviation of the World Health Organization child growth standards median among children aged less than 5 years.
2. Stunting is defined as height-for-age < 2-standard deviation of the WHO child growth standards median among children aged less than 5 years.

Source: Family Health Service, DH.

Table 27: Detection rates for wasting and short stature (stunting) among primary school children in 2005-06 to 2007-08

School year	Indicator of malnutrition	
	Wasting ¹	Short stature ²
2005-06	1.4%	2.0%
2006-07	1.4%	1.9%
2007-08	1.3%	1.9%

Notes:

1. Wasting is defined as weight <80% of median weight for height.
2. Short stature is defined as height below 3rd percentile of height for age.

Source: Student Health Service, DH.

Table 28: Percentage of households without access to hygienic sanitation facilities and access to safe drinking water in 2008

	Figure in 2008
Percentage of households without access to hygienic sanitation facilities	1%
Percentage of households without access to safe drinking water	0%

**Table 29: Official estimates on immunisation coverage
(for tuberculosis, diphtheria, pertussis, tetanus, polio and measles)
of infants born in 2007**

Type of vaccine	Official estimates
BCG (at birth)	Above 95%
Combined Diphtheria, Pertussis & Tetanus (third dose)	Above 95%
Polio (third dose)	Above 95%
Hepatitis B (third dose)	Above 95%
Combined Measles-Mumps-Rubella (MMR) (first dose)	Above 95%

**Table 30: Number of registered maternal deaths
by main cause of death and maternal mortality ratio in 2004-08**

Detailed List No ICD 10th Revision	Disease	Number of Registered Maternal Deaths				
		2004	2005	2006	2007	2008
O019	Hydatidiform mole, unspecified	0	1	0	0	0
O468	Other antepartum haemorrhage	0	1	0	0	0
O721	Other immediate postpartum haemorrhage	0	0	0	0	1
O881	Amniotic fluid embolism	1	0	1	1	1
O903	Cardiomyopathy in the puerperium	1	0	0	0	0
Total Number of Registered Maternal Deaths		2	2	1	1	2
Maternal Mortality Ratio (number of registered maternal deaths per 100 000 registered live births)		4.1	3.5	1.5	1.4	2.5

Sources: C&SD, DH and ImmD

Table 31: Proportion of newborns born in hospitals in 2004-08

	2004	2005	2006	2007	2008
Number of all newborns	49 796	57 098	65 626	70 875	78 822
Number of newborns born in Hospitals	49 598	56 828	65 410	70 685	78 694
%	99.6%	99.5%	99.7%	99.7%	99.8%

Proportion of personnel trained in hospital care and delivery

403. As at end 2008 there were 12 215 registered doctors and 27 998 registered nurses in Hong Kong. 4 756 of the registered nurses have a post-basic qualification in midwifery.

Child and youth suicide

404. Further to the above response (in paragraphs 300 to 307) to the Committee's previous Concluding Observations regarding child and youth suicide, the figures on fatal cases (those on attempts not included) are provided under Table 32.

Table 32: Number of factual cases in child and youth suicide cases in 2000-07

Year*	Fatal cases[#]
2000	31
2001	24
2002	29
2003	31
2004	32
2005	20
2006	26
2007	23

* The figures are statistics as at December of each year.

The figures cover those aged 0-19.

405. The number of persons aged 15 or below with HIV reported is set out at Table 33 below.

Table 33: Number of persons aged 15 or below with HIV reported in 2004-08

Year	No of persons aged 15 or below with HIV reported	Total no of persons with HIV reported	% of cases aged 15 or below
2004	0	268	0%
2005	2	313	0.6%
2006	3	373	0.8%
2007	1	414	0.2%
2008	0	435	0%
Total	6	1 803	0.3%

406. Tables 34 and 35 describe the number of early pregnancy and legal abortion.

Table 34: Number of female adolescents affected by early pregnancy in 2004-08

Number of female adolescents with newborns	2004	2005	2006	2007	2008
aged <15	9	6	9	8	5
aged 15-17	179	177	174	170	149
Total for aged <18	188	183	183	178	154

Table 35: Number of legal abortion for female adolescents in 2004-08

Number of legal abortion for female adolescents	2004	2005	2006	2007	2008
aged <15	45	28	32	30	43
aged 15-17	416	344	327	300	259
Total for aged <18	461	372	359	330	302

Sources: C&SD and DH

407. The number of accidents involving school transport vehicles during school trips over the past three years is set out at Table 36.

Table 36: Accident statistics for school transport vehicles in 2006-08

Year	Number of accidents	% of the total accidents
2006	47	0.3
2007	50	0.3
2008	79	0.5

Article 26 - Social security

408. As at the end of December 2008, a total of 120 265 children aged under 18 received benefits under the CSSA Scheme, representing a 21.5% increase since 2000. Details of movement over the years are provided under Table 37.

Table 37: Statistics on children receiving CSSA in 2000-08

Year	Total number of CSSA recipients aged under 18	Percentage share of these children in overall population
2000	98 969	1.47%
2001	109 593	1.63%
2002	132 232	1.97%
2003	149 667	2.21%
2004	155 766	2.29%
2005	151 865	2.22%
2006	141 962	2.05%
2007	129 782	1.87%
2008	120 265	1.72%

Article 27 - Standard of living

409. Further to paragraph 351 above, the indices of wages, consumer price index (A) and foodstuff from 1999 to 2008 are provided under Table 38.

Table 38: Indices of wages, consumer price index (A) and foodstuff in 1999-2008

Year	Nominal wage index (September 1992 = 100)	CPI(A) (October 2004-September 2005=100)	
		All items	Foodstuff
1999	149.4	109.8	104.3
2000	151.0	106.6	101.8
2001	152.1	104.8	100.8
2002	149.7	101.4	98.6
2003	146.6	99.3	97.0
2004	144.7	99.3	98.4
2005	145.8	100.3	100.4
2006	148.9	102.1	102.2
2007	152.4	103.4	106.9
2008	159.0	107.1	119.1
Overall cumulative increase/ decrease during 1999-2008	0.7	-2.5	14.2

E. Factors and difficulties

410. Regarding the issue of poverty, some commentators have argued for establishment of a “poverty line”. In this regard, the CoP considered that it is more appropriate to use a set of indicators rather than a single income-based poverty indicator alone for monitoring the poverty situation in Hong Kong at a macro level. The rationales behind are set out in paragraph 333 above.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES
(Articles 28, 29 and 31 of the Convention)

A. Concluding observations – follow-up

Article 28 - Education, including vocational training and guidance

Paragraphs 76 and 78 of the previous Concluding Observations
(CRC/C/CHN/CO/2):

For the HKSAR, the Committee expressed concerns on the drop out rates in secondary schools, the competitive nature of the school system and bullying in schools, and recommended that the State party:

- (a) Develop programmes aimed at addressing the dropout rates in secondary education;
- (b) Further strengthen existing programmes aimed at addressing violence in schools, including with the participation of students themselves; and
- (c) Enhance the quality of education in a manner that seeks to reduce the competitiveness of the education system and promotes active learning capacities and the right of a child to play and leisure.

Addressing dropout rates in secondary education

411. We affirmed our commitment in improving our education service. The EDB of the HKSAR Government has adopted different measures to address the dropout situation in secondary schools.

412. Schools are required to reinforce and step up measures for assuring students' regular attendance and to follow strictly the requirements of reporting to the EDB on the seventh day of the student's continuous absence regardless of the reasons for absence, their age and class level, to assure timely intervention and provision of appropriate assistance by the relevant parties. Schools are also reminded to optimize the use of available resources to deliver multifarious teaching strategies and counselling services to cater for students' different abilities and aptitudes; handle their behavioral problems; and provide students with comprehensive guidance and counselling services on

further studies and employment to ensure that they can complete their learning stage with appropriate support.

413. The EDB also conducts school visits with the co-ordinated efforts from a Non-attendance Cases Team and other Sections concerned to provide support and advice to schools to refine their existing school policy on student attendance with school-based measures focusing on their support to at-risk students.

414. All along, the Non-attendance Cases Team has been involved in arranging talks and seminars for teachers, guidance personnel and social workers to ensure their support to reporting dropout cases according to the laid down procedures and to encourage exchange of their strategies in the prevention of students dropping out from schools and sharing of their skills in working with dropouts and their parents.

415. In collaboration with the Hong Kong Council of Social Services and NGOs, the EDB co-organised, in 2001 and 2007, “Not One Student Left” Award Scheme to give recognition and commendation to those schools which organised projects/programmes to encourage positive school attendance and prevent students from dropping out from school. Good practices were printed in hardcopies and distributed to all schools and social agencies as samples for reference and adoption.

416. The dropout rates for the past three school years are set out in Table 39. The slight increase is likely the effect of the tightened reporting system of dropouts since the 2006-07 school year, which aims to assure students’ regular attendance and help address the problem by early identification and intervention of dropout cases.

Table 39: Dropout rates in 2005-06 to 2007-08

School year	Dropout rates
2005-06	0.20%
2006-07	0.29%
2007-08	0.29%

417. The EDB will continue to monitor the dropout rates of individual schools and give appropriate advice to schools whenever necessary. Feedback will also be collected from the participants of the programmes to ensure the quality of service.

Addressing violence in schools

418. The EDB adopts a zero tolerance policy on school bullying. Schools are reminded through circulars to take positive measures to ensure school safety and protection of students against bullying in school. Schools are advised to adopt a Whole School Approach (WSA) whereby all school personnel work together to nurture a harmonious school culture and to facilitate the whole-person development of students.

419. All secondary schools are provided with school social worker at a ratio of one to one school to render counselling to students with personal, family, interpersonal relationship and/or schooling problems. In primary schools, student guidance service is provided by student guidance personnel. From the 2006-07 school year onwards, the manning ratio of student guidance personnel for primary schools has been improved to one for each primary school with 18 classes (about 600 students) from the manning ratio of one for each primary school with 24 classes (about 840 students) in the previous years. They plan, implement and evaluate the developmental and preventive guidance programme for all students and provide remedial support for students with behavioral problems.

420. The EDB has also commissioned tertiary institutions to conduct training courses for primary and secondary school teachers on the implementation of school guidance and discipline work. Since the 2007-08 school year, “school bullying” has been included as a compulsory component in the training courses to help teachers understand how to address the issue at school. Furthermore, seminars and workshops are regularly organised for teachers to enhance their knowledge and skills in nurturing positive school climate, collaboration with the police, handling students’ emotional and behavioural difficulties, etc.

421. In addition, the EDB is implementing a number of preventive and developmental projects, including:

- (a) **Understanding Adolescent Project (UAP) in primary schools:** The EDB has been launching UAP in primary schools since the 2004-05 school year aiming to enhance resilience of students by instilling in them a sense of competence, belonging and optimism. Each participating primary school is provided with a UAP Grant to hire services from NGOs to deliver a three-year Intensive Programme for Primary Four students screened to be at-risk and in greater need of guidance. Under the Intensive Programme, there is a series of small group, adventure-based and parent-child activities, aiming at providing early intervention and timely support for Primary Four to Primary Six students identified to be at-risk through a set of validated screening tool. From the 2005-06 to 2008-09 school years, about 72 000 primary school students benefitted from the UAP.

- (b) **Enhanced Smart Teen Project (ESTP) in secondary schools:** Since the 2006-07 school year, the EDB has been organising in collaboration with disciplinary forces the ESTP aiming to help secondary students develop self-discipline, self-confidence, team spirit and resilience. Each year, about 30 discipline training camps are run in the training schools of the discipline forces for about 2 000 students from around 60 secondary schools. From the 2006-07 to 2008-09 school years, about 6 200 secondary school students benefitted from the ESTP. About 1 700 teachers have received training under ESTP on strategies and skills of providing follow-up guidance services to sustain the positive changes in the participating students from the 2006-07 school year.

- (c) **Positive Adolescent Training through Holistic Social Programmes to Adulthood: A Jockey Club Youth Enhancement Scheme (PATHS):** As mentioned in paragraph 303 in Chapter VI, a four-year “PATHS” Scheme was launched in the 2005-06 school year to develop students’ competence and skills which are conducive to positive youth development.

422. Schools implementing the projects of UAP and ESTP are required to conduct self-evaluation and collect feedback from the students to ensure the quality of service. The EDB also monitors the projects of UAP and ESTP through school advisory visits and collecting feedback from schools. With a view to further promoting student participation in the programmes, students are involved in planning, designing and implementing the follow-up activities which promote a respectful and caring culture at school. For example, upon completion of the programmes, they serve as peer mentors in the follow-up and related activities. The EDB will continue to promote student participation in the programmes, monitor the development of the projects and provide professional development and support for teachers to meet the changing needs of students.

423. Some commentators requested a study on anti-gay attitude, particularly in religious schools, and on whether there are increased bullying of students who are or suspected to be homosexuals. All along, we advocate a zero tolerance policy on school bullying and promote positive values of respect, caring and responsibility in school’s sex education. Schools are advised and supported in creating a harmonious learning environment in schools and take positive measures to ensure school safety and protection of students against bullying.

Enhancing quality of education

424. Steps have been taken to further enhance the quality of education in schools. In particular, measures relevant to the reduction of the competition in the education system, and promotion of active learning capacities and the right of a child to play and leisure are outlined in paragraphs 438 to 447 below.

Reducing competition in the education system

425. A key step taken to reduce competition in the education system was the abolition of the Academic Aptitude Test (AAT) in primary schools and the change from grouping students from five bands to three bands under the Secondary School Places Allocation (SSPA) System.

426. The AAT, consisting of a verbal reasoning paper and a numerical reasoning paper, was used as a scaling tool to scale students' internal assessment results at the end of Primary Five and both in mid-year and at the end of Primary Six for banding purposes. The AAT was abolished to eliminate unnecessary drilling and create room for effective teaching and learning in primary schools. With the abolition of AAT in the 2000-01 school year, the average of each primary school's AAT results in the 1997-98, 1998-99 and 1999-2000 school years was used as the scaling tool. With effect from the 2006-07 school year, the average of the two most recently sampled results of the Pre-Secondary One Hong Kong Attainment Test on the subjects of Chinese, English and Mathematics has been used as the scaling tool. Since the test is curriculum-based and the test results do not have a direct bearing on the students' own allocation results, the incentive for drilling and hence the competition in the SSPA System has been reduced.

427. Furthermore, from the 2000-01 school year, the allocation bands have been reduced from five to three to minimise the labeling effect. The competition in the SSPA System is thus further reduced.

Review of curriculum to promote active learning, whole-person development and right to play and leisure

428. The Government has reviewed the curriculum for basic education and later the academic structure for senior secondary education. Such review has led to major curriculum changes with the following overall objectives of curriculum which place more emphasis on the holistic development of the full potential of the child and promote active learning –

- The school curriculum should provide all students with essential life-long learning experiences for whole-person development in the domains of ethics, intellect, physical development, social skills and aesthetics, according to individual potential, so that all students can become active, responsible and contributing members of society, the nation and the world.
- The school curriculum should help students learn how to learn through cultivating positive values, attitudes, and a commitment to life-long learning, and through developing generic skills to acquire and construct knowledge. These qualities are essential for whole-person development to cope with challenges of the 21st Century.
- A quality curriculum for the 21st Century should therefore set the directions for teaching and learning through a coherent and flexible framework which can be adapted to changes and the different needs of students and schools.

429. The review of curriculum for basic education took place from 1999 to 2000 while the review of academic structure for senior secondary education took place from 2003 to 2005. During the course of the review, we have conducted a series of public consultation with stakeholders, including students, and focus group discussion, and published a series of curriculum reform documents.

430. Pursuant to the review, the curriculum reform is implemented with 2001-02 to 2005-06 as the short-term phase and 2006-07 to 2010-11 as the medium-term phase. During the short-term phase, schools and teachers were encouraged to review their current work, formulate their own curriculum development plans at their own pace, promote learning to learn through the four Key Tasks (Moral and Civic Education, Reading to Learn, Project Learning and Information Technology for Interactive Learning), and infuse generic skills (e.g. critical thinking, creativity and communication) into learning and teaching of existing school subjects. Schools were also encouraged to put more emphasis on assessment for learning to identify and diagnose

student learning needs, and provide quality feedback for students on how to improve their learning. Different modes of assessment were used whenever appropriate for a more comprehensive understanding of student learning in various aspects.

431. In the medium-term phase of the curriculum reform, schools have been encouraged to build on the strengths and experiences developed during the short-term phase, and based on the central curriculum framework, proceed to the next stage of their schools' curriculum development plans to develop school-based curricula, and improve learning and teaching strategies further.

432. The EDB has been closely monitoring the implementation of the curriculum reform measures through three consecutive annual surveys since 2003 of front-line practitioners in primary and secondary schools, a series of focus group interviews to gain further insight into the views of these key stakeholders, including students, systematic collation of feedback by the Hong Kong Institute of Education to gain a snapshot of views on the implementation of curriculum reform and its impact, as well as distributing questionnaires to stakeholders, including students and parents, to gauge their perception of the education reform and major education initiatives. Findings of the Survey on Curriculum Reform (Interim Survey) conducted by the independent Department of Educational Policy and Administration from the Hong Kong Institute of Education in 2006 are explained in paragraphs 448 to 449 below.

433. Apart from the above, the EDB also requested the C&SD to gather the public's perception of education reform and major education initiatives through the Thematic Household Survey conducted in 2003 and 2005-06, where face-to-face interviews were conducted with a random sample of households.

434. All the curriculum changes and enhanced learning experiences in basic education were sustained through the introduction of the NSS Curriculum in September 2009, as elaborated under paragraphs 443 and 444 below.

Learner-focused approach

435. The Government agrees that children should enjoy more time for extra-curricular activities within school hours and more leisure time at home. We are aware that heavy school work and examination pressure can adversely affect the learning process and children's all-round personal development.

436. We believe that the interests of students will be best served through a learner-focused approach to their education. To promote such a culture of learning and teaching, which is a continued effort to place less emphasis on achievement oriented education as set out in paragraphs 379 to 381 of Part II of the Initial Report, we have been promoting, since 2002, 'Life-wide Learning' under the curriculum reform to encourage students to learn in real contexts and authentic settings. Such experiential learning not only enables students to achieve certain learning goals that are more difficult to attain through classroom learning alone, but also enriches and extends classroom-based learning to achieve the aims of whole-person development and to nurture the life-long learning capabilities that are needed in our ever-changing society.

437. In addition, the NSS Curriculum, explained in paragraphs 443 and 444 below, has included a major component, namely "Other Learning Experiences", which occupies 15% or more of the total lesson time. This enables schools to provide a range of learning opportunities to promote whole person development among young people. The component "Other Learning Experiences" includes five areas: Moral and Civic Education, Aesthetic Development, Physical Development, Community Service and Career-related Experiences. Through these learner-centred activities, students could not only widen their horizons and develop their life-long interests, but also develop positive values and attitudes towards themselves as well as the community.

B. Comprehensive programmes – monitoring

Article 28 - Education, including vocational training and guidance

438. The framework as mentioned in Section VII of Part II of the Initial Report remains valid. Education remains among the Government's highest priorities and continues to receive the highest allocations in the annual budget. Some notable development since the Initial Report includes the adoption of small class teaching in primary schools, the extension of nine years of free education to 12 years, and the implementation of NSS academic structure. They are updated and elaborated below.

Pre-primary education

439. In addition to subsidising non-profit-making kindergartens through rent/rates/government rent reimbursement and allocation of purpose-built kindergarten premises in public housing estates as support for kindergartens, as set out in paragraph 335 of Part II of the Initial Report, the Government has also implemented the PEVS starting from the 2007-08 school year to provide direct fee subsidy, which is non-means tested, to parents with eligible children attending kindergarten classes. Needy families may also apply for additional fee assistance through the Kindergarten and Child Care Centre Fee Remission Scheme (KCFRS).

440. Consistent with existing policies on pre-primary education, the PEVS is operated on the basis of a half day place in kindergartens. Some commentators criticised that the KCFRS would have the effect of encouraging parents to enrol in half-day kindergartens and thus creating higher risk of unattended children. For various reasons, some children may enrol in full-day kindergartens, which can provide additional child care service on top of a half-day kindergarten session. The KCFRS provides additional fee remission to needy families with "social needs" for their children to attend full-day kindergarten classes.

12-year free education

441. As explained in paragraphs 336 and 339 of Part II of the Initial Report, the Government has been providing nine-year free and universal basic education (six years of primary education and three years of junior secondary education) through public sector primary and secondary schools since 1978. To demonstrate the Government's commitment to the nurturing and education of our next generation as well as to respond positively to calls from the community, free education is extended to include senior secondary education provided by public sector secondary schools starting from the 2008-09 school year.

Small class Teaching in primary schools

442. Small class teaching is implemented in public sector primary schools in phases, starting from Primary One in the 2009-10 school year and extending progressively to cover Primary One to Primary Six by the 2014-15 school year. The objective of small class teaching is to improve the quality of teaching and learning in a small class setting. To enhance the learning effectiveness of students, professional development programmes and school-based professional support services are provided to teachers to help them devise appropriate pedagogical strategies and apply different teaching modes in a small class environment. Schools implementing small class teaching will be allocated 25 students per class under the Primary One Admission System while other schools will be allocated 30 students per class. In implementing small class teaching, we are pragmatic and flexible, taking into account practical circumstances such as the availability of classrooms and trained teachers as well as the wishes and needs of schools, parents and students. In the 2009-10 school year, about 65% of the public sector primary schools has implemented small class teaching, starting from the cohort of Primary One students.

The NSS academic structure

443. As Hong Kong develops into a knowledge-based economy, we have introduced the NSS academic structure for secondary education and higher education from the 2009-10 school year. On top of

the three-year junior secondary level of basic education, the new academic structure will comprise a three-year school curriculum at senior secondary level and a four-year undergraduate programme at university. The objectives of NSS, also known as “334” academic structure, are to (a) establish a vibrant and flexible education system that will widen the knowledge base of every student, provide an enabling environment for every student to attain all-round development and to achieve life-long learning in a diverse and complex environment; and (b) provide multiple progression pathways for further studies and career development, which articulate well with international higher education and the manpower requirements of the 21st century. Under the NSS, all students will have the opportunity to receive three years’ free senior secondary education (i.e. Secondary Four to Six) as mentioned above. A broad, balanced and diversified NSS Curriculum is introduced to cater for a wide spectrum of students’ interests, needs and abilities.

444. Information on the NSS Curriculum and the new assessment system has been disseminated to all primary and junior secondary students through the regular publication of the pamphlet on “Useful Tips for Parents on 334” and the booklet on “FAQs on the NSS Academic Structure and NSS curriculum”. To provide the general public with all updated information on the development of the implementation of 334 and NSS curriculum, the EDB set up a New Academic Structure “334 Web Bulletin” in 2005. Moreover, an “NSS Information Network” was created on the New Academic Structure “334 Web Bulletin” to enable the public, including students, to grasp information on the NSS curriculum and electives provided by individual schools in various districts. To facilitate schools to conduct school-based briefings for students, an NSS Information Kit was launched in March 2008 to provide schools with ready-to-use information resources including presentation slides and videos on different aspects of NSS.

Review on the medium of instruction policy

445. Further to the position of the medium of instruction policy as set out in paragraphs 366 to 371 of Part II of the Initial Report, a review on the medium of instruction policy was conducted in 2005,

which re-affirmed the effectiveness of using the mother tongue in the teaching and learning process, in students' personal growth and learning attitudes as well as their academic performance. The review upheld the policy direction of mother-tongue teaching, and in implementing mother-tongue teaching, students' English proficiency should be enhanced concurrently.

446. To meet the language demands of the globalised economy of Hong Kong and to facilitate students' smooth transition to senior and post-secondary education, the EDB has proposed to fine-tune the medium of instruction policy so as to further enhance students' English proficiency. The fine-tuning arrangements allow junior secondary students to have more opportunities to use English to learn subject knowledge in a progressive manner that best suits their learning needs and ability, thus increasing their exposure to English. Secondary schools have more room and flexibility to decide professionally their school-based medium of instruction arrangements having regard to students' ability as well as school circumstances including teachers' capability and school support measures. The arrangements across secondary schools are expected to be diversified given the different characteristics of individual schools.

447. We have carried out extensive consultation with various stakeholders including students. There is support in the overall direction and objectives of the medium of instruction fine-tuning. In the best interest of the students, the fine-tuned medium of instruction arrangement will be implemented as from the 2010-11 school year, starting from Secondary One and progressing each year up to Secondary Three.

Monitoring the implementation of curriculum reform measures

448. To understand how students learn and develop at school, it would be useful to understand the quality of teaching and how teachers interact with their students and teach. From the Interim Survey conducted in 2006 mentioned in paragraph 432 above, almost all school respondents (more than 99% of school heads, more than 92% of primary and 83% of secondary teachers) indicated that they have developed

improved learning and teaching strategies to strengthen student learning. The third and most recent survey of front-line practitioners in schools found that most teachers had a high weighting for playing the role of transmitter in class before the introduction of the reform, and that the percentages of teachers giving a high weighting towards playing the role of facilitator in particular have grown much higher (from 31-37% to 66-71%) since the implementation of the reform, with similar shifts in relation to acting as a resource person or counsellor when required. This suggests that teachers are progressively developing a broader repertoire of teaching approaches for “enhancing the independent learning capabilities of students for whole-person development”.

449. Equally important is that this judgment is backed by the students themselves, who overwhelmingly state that their teachers have adopted more effective learning and teaching techniques. Among 8 980 primary students (2.29% of all primary students in Hong Kong) and 8 122 secondary students (1.74% of all secondary school students in Hong Kong) who have participated in the Survey, more than 85% of the primary and 75% of the secondary students indicated that there have been many more instances where teachers “ask us questions, discuss with us, and encourage us to express our views” (87.7% of primary students and 83.5% of secondary students), “listen to our questions patiently and try their best to answer them” (87.4% and 82.5%), “teach us to use different ways to find information to finish a task” (85.6% and 78.8%), and “encourage us to find answers and solve problems on our own” (87.3% and 85.0%).

Vocational training

450. The position on vocational training remains basically the same as in paragraph 345 of Part II of the Initial Report. The VTC continues to be the main provider of vocational training in Hong Kong. The VTC operates through -

- (a) **the Hong Kong Institute of Vocational Education (IVE)/
Hong Kong Design Institute¹¹/School of Business and**

¹¹ Established in 2007, the Hong Kong Design Institute brings together the various design-related departments of the IVE in a dedicated institute to foster synergy.

Information Systems¹² /**Youth College**¹³ : provide vocational education for Secondary Three, Secondary Five and Secondary Seven school leavers. In the 2008-09 school year, they provided 44 300 full-time, 2 600 part-time day-release, and 13 600 part-time evening places, mainly at the diploma and higher diploma levels;

- (b) **the training and development centres**: there are 15 such centres¹⁴. Their role is to provide skills training at a more basic level than those provided by the IVE. In the 2008-09 school year, they offered 35 300 full and part-time places; and
- (c) **skills centres**: the three skills centres continue to provide vocational training for people with disabilities. In the 2008-09 school year, they offered 1 000 full and part-time places.

Financial assistance

Subsidy Schemes

451. There are several publicly funded schemes at the primary and secondary levels to ensure that no student shall be deprived of education for lack of financial means. Further to paragraph 343 of Part II of the Initial Report, we have slightly revised the student travel subsidy and examination fee remission schemes as follows –

- (a) **students travel subsidy**: apart from students aged 12 or above, the scheme is extended to needy students receiving

¹² The School of Business and Information Systems was established in 2001 to provide additional Higher Diploma programmes for students in Hong Kong on a self-funded basis.

¹³ Established in 2004, Youth College mainly focuses on the development of sub-diploma programmes for Secondary Three and Secondary Five leavers.

¹⁴ We mentioned that there were 18 training and development centres in our Initial Report. Three of them, namely Finance Services Development Centre, Information Technology Training and Development Centre and Management Development Centre, were merged to form the "Institute of Professional Education and Knowledge" on 1 November 2003. PEAK mainly provides training for in-service workers to attain professional qualifications and therefore is not elaborated in this context. There are therefore 15 remaining training and development centres in 2008.

formal primary or secondary education or attending a full-time day course up to first degree level in an acceptable institution, who are residing beyond 10 minutes walking distance from school and travelling to school by public transport. They are eligible for a subsidy to cover their home-school travel expenses;

- (b) **fee remission:** needy Secondary Five and Secondary Seven students who are eligible for full level of assistance will have their public examination fees waived. On the other hand, with the extension of free education to senior secondary level provided by public sector secondary schools as from the 2008-09 school year onwards, the Senior Secondary Fee Remission Scheme for provision of assistance to needy Secondary Four to Secondary Seven students in the form of partial or full waiver of tuition fees ceased to operate; and
- (c) **the textbook assistance scheme** remains the same.

After-school support for disadvantaged students

452. Some commentators were concerned that some students are unable to financially afford participation in extra-curricular activities, thus affecting their development and competitiveness. In this regard, the EDB has launched the School-based After-school Learning and Support Programmes for schools and non-governmental organisations to organise after-school programmes for disadvantaged students whose families cannot afford fee-charging activities. The programmes provide assistance and opportunities for these students to improve their learning effectiveness, broaden their learning experiences outside the classroom, and raise their understanding of the community and sense of belonging. Funding covering a period of five years starting from the 2006-07 school year is being provided to the uniformed groups and the Hong Kong Award for Young People to assist their needy student members in purchasing uniforms, participating in camping/outing and joining training courses.

Practical schools and skills opportunity schools

453. Practical schools and skills opportunity schools previously catered for students who are unmotivated towards academic studies, and for students with learning difficulties respectively. Further to and as foreshadowed in paragraphs 341 and 342 of Part II of the Initial Report, the Board of Education Sub-committee on Special Education conducted a review on these schools. The Sub-committee believed that placement in practical schools might stigmatise students to their long-term detriment, and following the recommendations made, the Government integrated the practical schools into the educational mainstream in 2002-03 and provided their students with a curriculum designed to meet their diverse learning needs. All Practical Schools completed mainstreaming in August 2004.

454. Similarly, subsequent to the recommendations made by the Board of Education Sub-committee on Special Education and to broaden students' exit points through a comprehensive secondary education programme, Skills Opportunity Schools started mainstreaming in the 2002-03 or 2003-04 school year and completed mainstreaming in August 2005.

Students with learning difficulties and SEN

455. As mentioned in paragraphs 296 to 298 of Part II of the Initial Report, the policy remains that children with special needs are encouraged, and given appropriate support, to receive education in ordinary schools as far as possible. Annex 2 sets out definitions of various forms of disability of students requiring additional support services, updating Annex 20 of the Initial Report.

Support services in ordinary schools

456. Schools are advised to adopt a three-tier intervention model as differentiated by the needs of students to support students with disabilities. The model consists of:

- Tier-1 support - quality teaching in the regular classroom for supporting students with transient or mild learning difficulties;
- Tier-2 support - “add-on” intervention for students assessed to have persistent learning difficulties;
- Tier-3 support - intensive individualised support for students with severe learning difficulties and students with SEN.

Provision of resources and professional support for schools

457. Ordinary schools are provided with additional resources to support students with disabilities. Additional resources for public-sector schools include the provision of teachers and grants through various programmes (e.g. Integrated Education Programme, Enhanced Speech Therapy Grant and Learning Support Grant, etc.). Schools should adopt the WSA in supporting students with SEN to facilitate their learning and development.

458. Apart from the above resources, schools are also provided with the following support:

- (a) **School-based Educational Psychology Service:** public-sector primary and secondary schools have been supported by a central pool of educational psychologists in the EDB mainly on a case referral basis. Starting from the 1993-94 school year, school-based educational psychology service have been introduced, under which schools are provided with a comprehensive educational psychology service delivered through regular visits to support schools at the system, teacher and student levels. The service has been extended to more needy schools with effect from the 2008-09 school year;
- (b) **Speech Therapy Service:** speech and language assessment and school-based support service, which include

consultation visits, school-based speech and language programmes and teacher training, are provided for ordinary schools to help teachers support students with speech impairment;

- (c) **Enhanced Advisory Service for Schools:** starting from the 2006-07 school year, each primary school is assigned a Special Education Support Officer or Inspector from the EDB as a resource person to advise schools on the promotion of the inclusive culture and development of school-based policy for supporting students with SEN. The service has been extended to about 300 secondary schools in the 2008-09 school year;
- (d) **Centre-based Support:** Adjustment Programme provides remedial support and guidance to public sector primary and secondary school students with behavioural and adjustment problems in small groups by resource teachers with special education training; and
- (e) **Resource Teachers for Visually Impaired and Hearing Impaired Student:** students with visual impairment and hearing impairment in public sector primary and secondary schools are supported by the Resource Support Programmes for visually impaired students and the Enhanced Support Service for hearing impaired students respectively provided by special schools. The programmes consist of on-site learning support and production of Braille materials while the Enhanced support Service focuses on remedial teaching and language development programmes for students.

Teacher Training

459. To tie in with the three-tier intervention model, a five-year teacher professional development framework with training targets was launched in the 2007-08 school year with a view to building up teachers' professional capacity in catering for students with SEN.

Resource Schools and Special Schools cum Resource Centres (SSRC)

460. Ordinary resource schools on the WSA and SSRC are identified to establish a support network through which schools collaborate with one another for knowledge and skill transfer. The network aims to strengthen the support for students with SEN through teacher empowerment, on-site support and sharing of experience and resources. The SSRC also offer short-term intervention/attachment programmes for ordinary school students with severe learning difficulties on a need basis.

Resource Materials

461. Resource materials for schools, including resource kits and training packages, are provided for schools to support children with disabilities. In addition, the EDB has developed assessment tools and remedial packages for teachers and professionals to identify students with learning difficulties as well as speech and language impairment.

462. Various pamphlets and information leaflets which help parents identify and support children with different types of SEN are available on the website of the EDB. Furthermore, the Operation Guide on the WSA to Integrated Education and A Guide for Parents on the WSA to Integrated Education have been uploaded on the EDB website for the information of schools and parents. The former helps schools develop inclusive practices in supporting students with SEN, and the latter guides parents in supporting children with SEN through co-operation with schools.

463. Some commentators asked for improved support for children with Specific Learning Disabilities and those with Attention Deficit/Hyperactivity Disorder. In this regard, apart from the support measures mentioned in paragraphs 455 to 458 above, which are also applicable to children with Specific Learning Disabilities and those with Attention Deficit/Hyperactivity Disorder as appropriate, a theme on Attention Deficit/Hyperactivity Disorder has been included in the five-year Teacher Professional Development Framework on Integrated Education and Advanced Course on Catering for Diverse Learning

Needs. The EDB is also working jointly with tertiary institutes, allied professionals and related Government departments in developing identification tools and intervention programmes for such students. In particular, the EDB has been collaborating closely with the Hong Kong Jockey Club since the 2006-07 school year on a five-year READ & WRITE Project, which consists of a number of research and development projects to support students with reading and writing difficulties in pre-primary, primary and secondary schools.

464. Regarding the suggestion to allocate a specialised staff in school to handle matters relating to students with disabilities, the Government is promoting WSA to inclusion which requires the concerted efforts of all relevant staff and stakeholders and the schools should incorporate SEN support in the overall school policy, culture and practices. Overseas and local experience of providing a specialised staff to undertake all SEN matters would lead to marginalisation of that staff and also the students with SEN. Under WSA, schools are provided with different levels of funding, professional support, resources materials and teacher training so that schools can employ different strategies to support their students. All ordinary schools are advised to form a Student Support Team comprising a senior staff at the management level, subject teacher representatives, guidance teachers and school social workers to formulate the inclusion policy, develop an inclusive school culture and implement inclusive practices. While many of the Student Support Teams of secondary schools are led by the deputy heads of schools, primary schools have also been provided with deputy head posts at the newly created Senior Primary School Master/Mistress rank since the 2008-09 school year to lead and co-ordinate, among other things, the whole school pastoral care and student support. Recently, good WSA practices have emerged and more schools have provided comprehensive support to the students in need. The EDB will facilitate more schools to cross-fertilise their good practices, so as to enhance the quality and effectiveness of support for students with SEN in all ordinary schools.

465. A number of commentators raised concerns about the age limit of 18 for students in special schools for children with intellectual disabilities (ID schools) and alleged that the policy is discriminatory.

We wish to clarify that there has been some misconception regarding the so-called age restriction. There is no simple rule of no schooling for ID students after reaching the age of 18. All along, students in ID schools are provided with 10 years of basic education and a two-year Extension of Years of Education (EYE) Programme on a voluntary basis. With the phased implementation of the NSS school structure starting from Secondary Four in the 2009-10 school year, students in ID schools will continue to enjoy 12 years of education (six years' primary, three years' junior secondary and three years' senior secondary).

466. As the students normally start their primary schooling at the age of six, they will complete their 12 years of school education and leave school when they reach 18. The EDB has thus been using the age of 18, as a reference point for approving students' application for extension of stay in accordance with the basic principle of 12 years of school education. The EDB has been handling these applications flexibly. As a matter of policy and practice, students who are over 18 at the start of the following school year will invariably be allowed to stay on if they have been absent from school for a prolonged period due to health or other valid reasons. As for other applicants, ID schools are allowed to accommodate them by making use of the vacancies available in the approved classes. The above arrangements have been in place for years and schools have been making applications on behalf of the students accordingly.

467. The EDB is consulting the stakeholders with a view to improving the school leaving arrangements under NSS.

Education for the gifted

468. As mentioned in paragraph 350 of Part II of the Initial Report, we recognise that regular school environment may not always adequately meet the educational needs of exceptionally gifted students. While continuing our effort to help gifted children to achieve their fullest potential, we have worked with the Hong Kong Academy for Gifted Education which started their services from September 2008 to ensure that services are accessible for all gifted individuals or groups, be they ethnic minority, disadvantaged, physically challenged or children with behavioural or emotional problems.

Education for newly arrived children from the Mainland

469. As mentioned in paragraph 353 of Part II of the Initial Report, newly arrived children from the Mainland are entitled to the same education and support as local students. Measures to assist newly arrived children from the Mainland to integrate into the local education system are mentioned in paragraph 252 in Chapter V.

470. For young new arrivals aged over 15, they can also attend craft courses run by the VTC or, if they are aged 17 or above, attend evening secondary courses under the Financial Assistance Scheme for Designated Evening Adult Education Courses. The EDB will continue to offer school placement and educational support services to the newly arrived children to enable them to integrate smoothly into the local education system.

Education for non-Chinese speaking children

471. We are committed to providing appropriate learning opportunities for all students to help them attain all-round development. As mentioned in paragraph 359 of Part II of the Initial Report, it is our policy to facilitate the early integration of non-Chinese speaking students, comprising largely of ethnic minority children settled in Hong Kong, into the local education system and the wider community. All eligible students, irrespective of race or language, have equal opportunities for admission to public sector primary and secondary schools under the existing school places allocation systems.

472. We have put in place a package of educational support measures to enhance the learning and teaching effectiveness of non-Chinese speaking students. The measures are elaborated below.

Designated schools

473. The EDB has invited schools with a critical mass of non-Chinese speaking students to become “designated schools” and has been providing them with focused support to enhance the learning and teaching of non-Chinese speaking students, particularly in the subject of

Chinese Language. To step up such support, the number of designated schools has increased progressively from 15 in the 2006-07 school year to 26 in the 2009-10 school year. We have not set a ceiling for the number of designated schools. Besides, starting from the 2008-09 school year, the annual grant for designated schools has been turned to a recurrent grant and the ceiling of the grant has been raised for those designated schools with a higher intake of non-Chinese speaking students to help them implement school-based support programmes for these students.

474. The objective of providing focused support for designated schools is to facilitate their accumulation of experience and development of expertise in the learning and teaching of non-Chinese speaking students, so that they may serve as the anchor point for sharing good practices with other schools which have also admitted non-Chinese speaking students through an established support network.

Supplementary guide to the Chinese language curriculum for non-Chinese speaking students

475. Given the vastly different backgrounds of non-Chinese speaking students, we have rendered additional support in the form of issuing a supplementary guide on the Chinese language curriculum. This strategy has been widely accepted on sound pedagogical grounds as the Supplementary Guide complements the Chinese language curriculum framework with principles and recommendations for schools' adaptation in accordance with the aptitude of non-Chinese speaking students, and caters for their holistic and personalised development while facilitating them to build a good foundation in the Chinese language. In tandem with the issue of the Supplementary Guide, while teachers are being trained on curriculum adaptation, the EDB has provided non-Chinese speaking students and schools with learning materials, covering both primary and secondary levels, by stages. Moreover, teaching reference materials, including self-learning packages, have been distributed to schools. To enhance assessment for learning, assessment tools will also be developed for schools to assess the Chinese standard of their non-Chinese speaking students.

Provision of training programmes for Chinese language teachers in primary schools

476. As from the 2006-07 school year, training programmes have been provided by tertiary institution for Chinese language teachers in primary schools with non-Chinese speaking students. All teachers in designated or non-designated schools teaching Chinese language to non-Chinese speaking students can participate in the relevant professional development programmes.

Chinese Language Learning Support Centre

477. The Chinese Learning Support Centre, run by a tertiary institution, provides remedial programmes to non-Chinese speaking students, particularly the late starters in Chinese learning, after school hours or during holidays. The Centre also assists in the development of related teaching resources and renders support to the teachers of non-Chinese speaking students by organising professional development workshops.

Summer Bridging Programme

478. Starting from the summer of 2007, the four-week Summer Bridging Programme has been extended to cover not only incoming non-Chinese speaking Primary One entrants, but also non-Chinese speaking students proceeding to Primary Two, Primary Three and Primary Four in order to help them consolidate what they have learnt at Key Stage One (Primary One to Primary Three) and to prepare for their transition to Key Stage Two (Primary Four to Primary Six).

Measures to address the aspirations of non-Chinese speaking students for higher education

479. Starting from 2007, the General Certificate of Secondary Education (Chinese) Examination has been administered in Hong Kong for students who wish to obtain alternative Chinese Language qualification(s) through the Hong Kong Examinations and Assessment Authority.

480. Public sector schools will take into consideration alternative Chinese Language qualification(s) under the Secondary Six admission and make conditional offers to eligible applicants under specified circumstances pending the release of the relevant examination results. Similarly, the University Grants Committee-funded institutions have, starting from 2008, provided flexibility for acceptance of alternative Chinese Language qualification(s) for application under specified circumstances under the Joint University Programmes Admissions System.

Information for non-Chinese speaking parents / students

481. Information about the local education system, support measures as well as Secondary One and Primary One school places allocation has been translated into major ethnic minority languages in Hong Kong for the easy reference of the non-Chinese speaking parents.

Support measures for newly-arrived students including non-Chinese speaking students

482. Induction Programmes and Initiation Programme are available for newly-arrived non-Chinese speaking students. Newly-arrived non-Chinese speaking students are also eligible for the School-based Support Scheme Grant provided to schools.

Concerns raised by commentators

483. There have been concerns on the difficulties for the non-Chinese speaking children to learn in the Chinese language. The EDB encourages the teaching of the two official languages, i.e. Chinese and English, in public sector schools to facilitate early integration. Notwithstanding that the non-Chinese speaking students are studying under the local education system, it does not mean that they have to learn in the Chinese language at all cost. Subject to the compliance of the prescribed criteria of teacher capability and school support measures under the prevailing medium of instruction policy, schools which have admitted a critical mass of non-Chinese speaking students and have assessed that these students could indeed learn better in English,

are given the flexibility to teach in English for the well being of the non-Chinese speaking students.

484. The Government has proposed to fine-tune the medium of instruction policy for implementation as from the 2010-11 school year, starting with Secondary One and progressing each year up to Secondary Three. This has been elaborated in paragraphs 445 to 447 above. Upon implementation of the fine-tuned arrangements, the non-Chinese speaking students and their local counterparts will have more opportunities to learn in English, as schools will be provided with more room to make professional decisions to adopt the most appropriate mode of medium of instruction arrangements in accordance with students' abilities and needs.

485. Concerns have also been raised regarding the lack of ethnic minority language curriculum in schools for ethnic minority students. We fully respect the right for the ethnic minority children to enjoy their own culture or to use their own languages. On the other hand, we do not consider it feasible to offer corresponding ethnic minority languages courses to ethnic minority students in all our public sector schools enrolling them - nor do we consider this obligatory for our public sector education. Notwithstanding this, we have no objection to redeployment of resources by individual schools to teach other languages to meet the needs of their students provided that the curriculum offered as a whole will continue to be broad and balanced. In this regard, we understand that some schools have been offering ethnic minority languages courses to their non-Chinese speaking students during or after school hours.

486. As mentioned in paragraph 362 of Part II of the Initial Report, there are educational alternatives to the public sector education above for ethnic minority students. For example, there are privately-run schools offering non-local curricula at the primary and secondary levels. These are privately-run but may nevertheless have access to public assistance as mentioned in the Initial Report. At present, 51 such schools offer a range of curricula including those of the USA, Australia, Canada, England, France, Germany, Japan, Korea, Singapore and the International Baccalaureate.

487. It takes time for the support measures to take root and create a sustainable impact on students. We will continue to review the effectiveness of the various support measures and work closely with the stakeholders to address the genuine needs of non-Chinese speaking students.

Education for cross-boundary students

488. There is an increasing number of cross-boundary students who have to travel daily between Shenzhen (our neighbouring city across the boundary in the Mainland) and HKSAR to attend school. The safety of these students is of great concern to both the Government and the public. The Government has been taking different measures to facilitate the commute of cross-boundary students across the Boundary Control Points. Among various means of transport, the provision of door-to-door cross-boundary school coach service is considered as a long-term measure to tackle the transport problem of cross-boundary students. The Government has implemented a number of measures to address the needs of the cross-boundary students and help them adapt to the schooling in the territory. They are set out in the following paragraphs.

Transportation arrangements

489. The measures include:

- **School bus service:** some eligible school buses have been issued with special permits to gain access to the restricted areas at Lo Wu and Lok Ma Chau Spur Line control points, the access to which is restricted for other vehicles, to pick up/drop off cross-boundary students for travelling between the respective control points and schools. The school buses are subject to the safety requirements and measures as elaborated in paragraphs 359 to 362 in Chapter VI; and
- **Cross-boundary school coach service:** to facilitate the provision of door-to-door transportation service for cross-boundary students, the Government, after seeking the

consent of the relevant Mainland authorities, first granted special education quota in the 2008-09 school year for running cross-boundary school coach service exclusively for cross-boundary students. In 2009-10 school year, there are a total of 42 routes of cross-boundary school coach using the special education quota to run relatively low cost cross-boundary school coach service for cross-boundary students, providing direct transportation services between their homes in the Mainland and their schools in Hong Kong via the Boundary Control Points of Lok Ma Chau, Man Kam To, Sha Tau Kok and Shenzhen Bay. The operation of these cross-boundary school coach service, including the service quality, bus routes and bus fare, etc., is under the monitoring of the Government.

490. It is expected that the provision of special education quota will be further increased to meet the needs of cross-boundary students in future and cross-boundary school bus service will be further enhanced based on regular review of the service.

Immigration clearance at Boundary Control Points

491. To cater for the upsurge of cross-boundary students, the HKSAR Government has reserved designated cross-boundary student immigration counters at the Boundary Control Points of Lo Wu, Lok Ma Chau and Lok Ma Chau Spur Line during peak hours to facilitate the immigration clearance of cross-boundary students since 2007. Besides, a total of six additional e-Channels designated for cross-boundary students have been put into operation at the Lo Wu Control Point in December 2007 and February 2008 respectively.

Education and support services

492. To enable cross-boundary students from the Mainland to better adapt to the schooling in the territory, the EDB has provided to them various education and support services. The school life of cross-boundary students is no different from that of local students in that all students have equal access to the teaching resources and facilities in

schools, and participation in class activities and extra-curricular activities.

493. Some cross-boundary students may prefer not to stay behind for school activities because they have to travel long distances back home. In view of this, schools have made necessary arrangements, such as scheduling counselling services before classes or during recesses, and, where suitable, advancing after-school activities to the after-lunch time slot. Schools have also strengthened home-school cooperation with the parents so as to render necessary supports to cross-boundary students.

Article 29 - Aims of education

All-round development of the child

494. Further to paragraph 365 of Part II of the Initial Report on our education policy and curriculum review, our aims of education are elaborated as follows:

- to establish a vibrant and flexible education system that will provide an enabling environment for every person to attain all-round development and to achieve life-long learning;
- to enable all students to achieve enhanced language and mathematical abilities, a broadened knowledge base, increased competence in critical thinking, independent learning and interpersonal skills, and to provide increased exposure to other learning experiences in moral, civic, physical and aesthetic areas; and
- to offer greater diversity and choice to suit the different needs, interests and abilities of students and equip them better for further studies and in meeting the needs of an ever-changing society.

495. Details of the curriculum review including the objectives and the implementation of curriculum reform measures are elaborated in paragraphs 428 to 434, 448 and 449 above.

Human rights education, education against discrimination and civic education

496. As stated in paragraphs 55 and 109, students are provided with ample opportunities to develop concepts and values in relation to human rights in the existing school curriculum. Important concepts and values on human rights, such as the right to life, freedom (e.g. speech, religion), privacy, respect for all peoples (e.g. different nationalities and their cultures, ways of life), equality (e.g. gender equality), anti-discrimination and gender awareness (e.g. race, sex), etc. are discussed and developed through the learning and teaching of various subjects in primary and secondary schools. Students' concepts and understanding of human rights are strengthened progressively from a basic understanding of the rights and responsibilities to more complex concepts of human rights.

497. Civic education, human rights education and education against discrimination are integral to the curriculum and are addressed in a wide range of subjects at different key stages of learning such as General Studies at primary level, curricula under the Personal, Social and Humanity Education at secondary level. In 1998-99, "Civic education" was introduced as a specific subject at the junior secondary level. These curriculum areas are also strengthened in the core subject of Liberal Studies implemented at senior secondary level in the 2009-10 school year. To support schools in promoting concepts and values pertaining to these curriculum areas, professional development programmes and resources support are provided to empower teachers' professional capability to implement these curricula. Relevant learning activities and programmes are provided to deepen students' understanding of the concepts and values relating to civic education, human rights education and education against discrimination.

498. In 2008, the Moral and Civic Education Curriculum framework was updated with an aim to provide an overarching

framework to address values related curricular themes and issues. The framework is conducive to schools in planning learning activities and programmes to promote concepts and values of equality, respect, non-discrimination, etc. through students' life experiences.

Cultural identity and national values

499. It is an established education policy of Hong Kong to develop students' national identity, which is stated as one of the curriculum goals in the curriculum documents. As mentioned in paragraph 382 of Part II of the Initial Report, the promotion of cultural and national values such as national identity is implemented in school curricula, including General Studies and Chinese Language at primary level; Chinese Language, Chinese History, Civic Education and Geography at junior secondary level. In the NSS Curriculum implemented in the 2009-10 school year, Liberal Studies as a core subject is the main vehicle for promoting these values. The EDB also enhances students' understanding of their culture and nation through organising interflow activities between the Hong Kong and the Mainland students regularly, inviting scholars and experts from the Mainland to give talks on issues of contemporary China, subsidising schools in organising interflow activities as well as organising project award schemes on Thirty Years of Reform & Opening Up and the 60th National Anniversary.

Respect for the natural environment

500. Education for sustainable development has been incorporated in the curricula at all levels and schools have been provided with learning and teaching resources and relevant training support for teachers. To further the fundamental objectives of environmental education in respecting the natural environment, the EDB has also been collaborating with various Government departments and NGOs to organise various types of activities for students to enhance their environmental awareness and understanding of sustainable development such as the "Green School Award Scheme". The aim of the above initiatives, as stated in paragraph 383 of Part II of the Initial Report, is to foster the knowledge, skills, and attitudes that will enable students to become environmentally responsible citizens.

Teacher training

501. All along, professional development programmes have been offered for school principals and teachers focussing on learning and teaching strategies, enriching knowledge and moral and civic education as well as curriculum planning that are in line with the curriculum reform. To achieve our educational policy of enabling every student to attain all-round development, we have provided various training for teachers to facilitate their work on this. In 2008, about 1 400 training courses were organised on areas like subject knowledge and teaching pedagogy, learning skills, moral and civic education, special educational needs and pastoral care.

Article 31 - Leisure, recreation and cultural activities

502. Government continues to attach great importance to the development and promotion of arts, sports, heritage and extra-curricular activities for children. Updates to the various initiatives are elaborated below.

The arts

503. Building on the success of the three-year “Artists-in-School” project (1997-2000) introduced in paragraph 385 of Part II of the Initial Report, the Hong Kong Arts Development Council (HKADC) launched another three-year “Arts-in Education” project in 2000, advocating the integration of arts with the formal school curriculum. The project was successfully implemented with the participation of more than 3 800 students, 260 teachers from 32 schools and over 50 artists. It succeeded in developing an innovative learning model to inspire students’ creativity and learning ability and, at the same time, enabled the educators to re-evaluate the importance of arts education for the development of students.

504. In 2006, the HKADC launched a three-day “Seminars on Children Arts Education” project. The seminar covered topics on the development of arts education for children in schools, the function of arts education for children, the role of local arts groups, etc.

The seminar attracted 207 participants and its fringe activities drew 165 attendees.

505. The “Ambassadors-in-School” scheme launched by the HKADC in 2008 has provided students with a flair for the arts the opportunity to become arts ambassadors for their schools. Over 500 primary and secondary schools have participated in the scheme.

506. Apart from the above schemes, the HKADC continues to provide funding support (in the form of grants) to arts groups for organising arts education activities in schools. From 2005 to 2008, the HKADC supported 33 arts education programmes under different art forms in schools.

507. In addition, the Hong Kong Academy for Performing Arts (HKAPA), the only degree-granting institution in Hong Kong providing professional education, training and research facilities in the performing arts, theatre and entertainment arts, film and television, has also been providing a variety of part-time courses to nurture young talents such as the Junior Music Programme for children and young persons aged 5 to 16 years and the Gifted Young Dancer Programme for young persons aged 14 to 18. It also organises outreach activities to give primary and secondary students a broader range of performing arts experience.

508. The project of the West Kowloon Cultural District (WKCD), which is an integrated arts and cultural district with world-class arts and cultural facilities, was announced in the Chief Executive’s Policy Address in 2007-08 as one of the ten major infrastructures. A session was held on 19 November 2007 for the Government to meet with the children’s groups and to collect their views on the WKCD development. A total of 45 persons, including both children and adults, attended the session. The Government has established a statutory body, the West Kowloon Cultural District Authority, to implement the WKCD project. The WKCD is a strategic investment by the Government to meet the long-term infrastructure needs of the arts and cultural sector. An upfront endowment of \$21.6 billion was approved by the Finance Committee of the LegCo in July 2008 for the Authority to implement the WKCD project. With the

assistance of HAB, the Authority is pressing ahead with the preparation of the Development Plan for the WKCD, the recruitment of top-tier staff, and other strategic matters for the full swing operation of the Authority. For the preparation of the Development Plan, the Authority is conducting the Stage 1 Public Engagement exercise from October 2009 to January 2010 to gauge the views of the public and relevant stakeholders.

Arts programmes for children

509. The LCSD presents programmes that are suitable for children and young persons on a year-round basis. Apart from offering half-price tickets of stage performances of various art forms to full-time students, educational programmes and workshops are also provided free or at low charges. The aim is to enhance their ability to appreciate arts and to stimulate their creativity. The following is an update on LCSD's key initiatives in the promotion of arts among students and young persons, which has been set out in paragraphs 387 and 388 of Part II of the Initial Report -

- **School Culture Day Scheme:** the Pilot Scheme first introduced in the 2001-02 school year has now been formalised to offer a wide range of arts education activities for students to attend during school hours. These include, student performances, lecture demonstrations, open rehearsals, visits to exhibitions and workshops in LCSD's performing arts venues, libraries and museums;
- **School Arts Animateur Scheme:** to help students acquire basic knowledge and skills in the arts, the LCSD works with professional performing arts groups experienced in arts education to implement arts educational projects at schools, comprising lecture demonstrations, training workshops and performances, lasting from a few months to the whole school year. The Scheme has been expanded to offer more projects and cover more art forms;

- **Experience the Arts Scheme for Senior Secondary Students:** to pave way for the launching of the NSS Curriculum in the 2009-10 school year, we have introduced this new scheme to offer tailor-made programmes with added interactive and educational elements targeted for senior secondary school students with a view to enhancing their creativity, aesthetic and arts appreciation ability;
- **Community Cultural Ambassador Scheme:** the LCSD invites local performing arts practitioners/groups to conduct a wide range of performing arts outreach activities in the community for participation by members of the public including children and young persons;
- **Let's Enjoy Cantonese Opera in Bamboo Theatre:** to further arouse the interest of the general public, especially children, in Cantonese opera, the LCSD introduced in 2009 a programme series featuring Cantonese opera performances cum interactive/educational activities tailored for children at bamboo theatres in the districts; and
- **Major annual children events:** these include various seasonal carnivals, thematic festival/programme series, lantern design competition and exhibitions. The most significant of these is the six-week annual International Arts Carnival held in July and August each year, aiming at providing children, youth and their families with cultural programmes and interactive activities of a cultural and educational nature during the summer vacation.

510. LCSD's Music Office continues to run training programmes in Western and Chinese musical instruments and the annual Hong Kong Youth Music Camp for children and young persons aged six to 25. Youth bands, orchestras and choirs are also organised for training young musicians. In 2008, it provided music training to a total of 8 050 trainees under its three training programmes and organised 390 music promotional activities for 160 000 participants.

Heritage

511. Since the last reporting period in 2003, two new museums under the LCSD were opened, namely Dr Sun Yat-sen Museum in 2006 and Fireboat Alexander Grantham Exhibition Gallery in 2007. Covering such areas as history, art, folk culture, science and astronomy, the 14 LCSD museums place strong emphasis on education and have established strong links with schools and students. The major museums provide educational corners, children's discovery galleries, hands-on exhibits for children to learn and explore their cultural heritage, general science principles and artistic creations. As mentioned in paragraph 389 of Part II of the Initial Report, full-time students are admitted at half price and groups of 20 or more students may apply for free admission. The museums also publish informative materials for young visitors and organise numerous activities for them, such as workshops, seminars, guided tours and field trips.

512. The Antiquities and Monuments Office also from time to time organises schools and family programmes on Hong Kong's heritage so as to enhance young visitors' knowledge in the field.

Sport

513. The LCSD keeps up its effort to organise sports training courses, sports competitions and games for children, adults, persons with disabilities, and senior citizens. In 2008, the LCSD organised some 34 600 activities for about 2 289 000 participants. To encourage regular participation in physical activities, children are offered a 50% concessionary rate for enrolment of recreation and sports programmes and booking of leisure facilities. In addition, the LCSD also provides some leisure facilities for schools use free of charge at designated school hours.

514. Currently, the major programme for children's participation in sports is the "School Sports Programme". The programme is organised by various National Sports Associations with subvention from the LCSD and co-organised by the EDB. It aims to provide opportunities for students to participate in more sports, to raise the

standard of sports in primary, secondary and special schools and to encourage students to actively take part in sports activities with an aim to foster a sport culture among students. Since 2001, the LCSD has developed seven subsidiary programmes under the programme by phases, namely the Sports Education Programme, the Easy Sport Programme, the Outreach Coaching Programme, the Sport Captain Programme, the Joint Schools Sports Training Programme, the Badges Award Scheme and the Sports Award Scheme, in order to further encourage students to participate in sports. In 2008, more than 7 650 sports activities were organised for about 598 000 students.

Library services

515. Hong Kong's 76 public libraries (as compared to 69 public libraries reported in paragraph 393 of Part II of the Initial Report), all of which are accessible to children, are spread throughout the territory to ensure accessibility. All libraries, including 10 mobile libraries, have a junior library or certain items for children to facilitate their reading need. They have a total stock of 12.34 million items (as compared with 8.8 million library items in the Initial Report) of library materials. Of their total stock of books, audio-visual materials, electronic resources and so forth, about a quarter (3.3 million) are suitable for use by children. Usage by children maintains at a high rate, with some 23 million borrowing in 2008. In addition to the provision of newspapers and periodicals and extension activities such as storytelling, interest clubs, subject talks, reading programmes, literary competitions and so on, electronic services which include multimedia computer workstations installed with educational programmes, Internet access and easy listening are also available for children. The facilities, furniture and equipment for children are specially designed for their needs.

516. The Hong Kong Central Library incorporates a toy library which is well stocked with educationally and intellectually stimulating toys and multi-media kits, contributing to the development of children in their motor skills, language and cognitive development, social skills and creativity. Presently, there is a Young Adult Library which caters for readers aged between 13 and 18 in the Hong Kong Central Library and this service will also be incorporated in all new major libraries

under planning. Babycare facilities are also available in all new major and district libraries.

517. Further to paragraph 394 of Part II of the Initial Report on the “Reading Programme for Children and Youth” organised by the public libraries, we are glad to report that some 120 000 members have joined and about 1.6 million books read per year is recorded since the programme called for members’ re-registration in 2003. The libraries also organise dedicated reading activities to encourage parents and schools to participate in developing reading interests among the children and youth. They include reading clubs for teens and families, talks on reading for parents and storytelling workshop, “Meet-the-Author” sessions and a large-scale annual “Summer Reading Month”. Other regular activities to encourage children to read include weekly children storytelling sessions, library visits, and book exhibitions. The libraries also promote reading in the community through collaborating with NGOs in the “Hong Kong Book Prize”, “Reading Carnival”, “Selection of Good Books for Secondary School Students” and “Dr. Book Chart” reading schemes.

Children play facilities

518. The LCSD provides about 680 outdoor children’s playgrounds and about 30 indoor children’s play rooms for children’s use. These children play facilities are well patronised.

519. The design, production and installation of play equipment in children playgrounds comply with internationally-recognised safety standards. Depending on their physical conditions, children with disabilities may choose to use play equipment that suit them. In planning and selecting play equipment for the existing and new leisure venues, the LCSD will consult the District Councils concerned.

Arts education in the school curriculum

520. Arts education, being one of the eight KLAs in the school curriculum, advocates the learning of the arts and culture through appreciating, creating and performing the arts. Students are entitled to

arts education at all school levels. Schools offer the Arts Education KLA in basic education, where Music and Visual Arts are generally provided. To enrich students' arts learning experiences, most schools also provide students with opportunities to learn other art forms such as drama, dance and media arts. In the NSS Curriculum implemented in the 2009-10 school year, all senior secondary students have at least 135 hours of the total learning time (i.e. 5% of school time) for Aesthetic Development to further develop creativity, aesthetic sensitivity and arts appraising ability as well as foster a life-long interest in the arts. To complement the learning in lessons, there are ample opportunities for students to learn and experience the arts beyond the classrooms such as visiting exhibitions and museums, attending concerts and drama performances, participating in dance and instrumental classes, school bands and orchestras, competitions and community arts activities.

C. Allocation of budgetary and other resources

521. Education continues to receive one of the highest allocations in the annual budget. In the 2008-09 revised Estimates, expenditure on education totalled \$75.9 billion, that is nearly 25% of total Government spending or 4.5% of GDP. By way of comparison, the corresponding figures were \$55.9 billion in 2005-06 (4.0% of GDP). Nearly half of the budget is spent on tertiary education (\$34.5 billion in 2008-09), including \$18 billion injected to the Research Endowment Fund.

522. The budget for the major arts programme mentioned in paragraphs 503 to 507 above is set out in Table 40.

Table 40: Budget for major arts programme in 2008-09

Major arts programme	Budget for 2008-09 (\$'000)
"Arts-in Education"	4,000
"Seminars on Children Arts Education"	260
"Ambassadors-in-School"	1,900

Major arts programme	Budget for 2008-09 (\$'000)
The 33 arts education programmes funded by the HKADC through the project grant schemes	7,050
The expenditure on the junior programmes of the HKAPA for 2008-09	9,780

D. Statistical data

523. Statistics of the enrolment rates of pre-primary, primary and secondary education in Hong Kong and the school attendance rate are provided in Tables 41 and 42.

Table 41: Gross Enrolment Ratio (GER) and Net Enrolment Ratio (NER) in pre-primary, primary and secondary education from 2006-07 to 2008-09

School year	Pre-primary		Primary education		Secondary education	
	GER	NER	GER	NER	GER	NER
2006-07	96.3%	87.7%	100.0 %	92.3%	86.9%	78.9%
2007-08	96.7%	86.8%	98.8%	91.8%	87.5%	79.5%
2008-09	99.6%	89.3%	99.7%	92.4%	87.8%	79.8%

(1) Figures cover students enrolled in ordinary schools, special schools and other equivalent courses.

(2) Figures refer to the position as at mid September of the respective school years.

(3) Figures for the 2008-09 school year are provisional and are subject to revision

Table 42: School attendance rates by age group in 2006

Age group	School attendance rate (%)
3 – 5	89.1
6 – 11	99.9
12 – 16	98.9
17 – 18	82.8

Source: 2006 Population By-Census, C&SD

524. The pupil teacher ratio for pre-primary, primary and secondary education in Hong Kong in three recent school years are in Table 43.

**Table 43: Pupil-teacher ratio by level,
from 2006-07 to 2008-09**

School year	Pre-primary	Primary	Secondary
2006-07	9.4:1	17.6:1	17.0:1
2007-08	9.3:1	17.2:1	16.8:1
2008-09	9.7:1	16.4:1	16.4:1

- (1) Figures refer to the position as at mid September of the respective school years.
(2) Figures for primary and secondary levels cover local ordinary day schools only.

VIII. SPECIAL PROTECTION MEASURES
(Articles 22, 30, 32 to 36, 37(b) to 37(d), 38, 39 and 40
of the Convention)

A. Concluding observations – follow-up

Article 22 - Refugee children

Paragraphs 81 and 82 of the previous Concluding Observations
(CRC/C/CHN/CO/2):

The Committee noted that refugee children and undocumented migrant children were not guaranteed access to education, and recommended that the State party extend all human rights guarantees in its Constitution and in the Convention to all children within its jurisdiction on both the Mainland and the Special Administrative Regions, including refugees, asylum-seekers and other undocumented migrants. In particular, the Committee recommended that the State party amend legislation and regulations to ensure that all refugee, asylum-seeking or undocumented migrant children in the HKSAR are able to attend school without undue delay.

525. The freedoms and rights guarantees under the Basic Law of the HKSAR apply to all persons in the HKSAR. Article 41 of the Basic Law provides that persons in the HKSAR other than Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms of Hong Kong residents prescribed in Chapter III of the Basic Law (which sets out fundamental rights and duties of the residents). Regarding the provision of education to children, the Government takes into full account its obligation under Article 28 of the Convention regarding the rights of the child to education. On the other hand, children with no right to remain in the HKSAR are subject to removal, so the question of their schooling in the HKSAR does not normally arise. Where removal is unlikely in the short term, request to allow them to attend school will be considered on a case-by-case basis, having regard to the obligation on the rights and interests of the children and other relevant factors. In appropriate cases, the Director of Immigration may give an indication of no objection, whereafter arrangements for schooling may

be made by the education authorities in accordance with established rules.

Articles 34 to 36 – Exploitation (including sexual exploitation and sexual abuse; and sale, trafficking and abduction)

Paragraphs 88 and 96 of the previous Concluding Observations (CRC/C/CHN/CO/2):

The Committee was concerned at the absence of any data or reported cases of child prostitution in the HKSAR. In order to prevent and combat trafficking children for sexual and other exploitative purposes, the Committee recommended that the State party in the HKSAR:

- (a) Further develop and enhance systems of early prevention of sexual exploitation and trafficking;
- (b) Further strengthen its efforts to identify and investigate trafficking cases, to improve understanding of the issues of trafficking and ensure that perpetrators are prosecuted;
- (c) Develop and adopt a comprehensive policy to prevent and combat sexual exploitation and trafficking in children, including the root causes and factors that place children at risk of such exploitation;
- (d) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children; and
- (e) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (2000).

The Committee recommends that the State party extend the application of the Optional Protocol on the sale of children, child prostitution and child pornography to the HKSAR.

Trafficking

526. Hong Kong is neither a destination nor a transit point for human trafficking. Neither is it a place of origin for exporting illegal

migrants. Over the years, cases of human trafficking are rare in the HKSAR. The number of human trafficking cases reported in 2005 to 2008 is three, three, four and one respectively, and so far, we have not detected any cases of trafficking in persons involving children.

527. Notwithstanding the rare occurrence of human trafficking crimes in Hong Kong, the HKSAR Government attaches great importance to combating human trafficking. We have a comprehensive policy, programmes and measures to prevent and combat human trafficking, including trafficking of children. Our law enforcement departments are taking concerted and co-ordinated efforts to halt human smuggling/trafficking -

- (a) the ImmD and the Customs and Excise Department (Customs) have continued to identify suspect vessels used in sea-borne smuggling/trafficking operations and to intercept vessels believed to be modified/adapted for use in transporting illegal immigrants;
- (b) the ImmD exercises full vigilance at all immigration control points. Operations are regularly conducted at the Airport to prevent Hong Kong from being used as a transit avenue of illegal migrants using forged or unlawfully acquired third country documents;
- (c) in addition to the stringent actions in ensuring the integrity of the land and sea boundary of the HKSAR on a day-to-day basis, the Police collects intelligence and investigate suspect organisers and conduct joint investigations with other enforcement agencies as and when appropriate;
- (d) we have established a Joint Investigation Team, which comprises representatives from the Police, Customs and the ImmD with a view to tackling the problem of human trafficking in a multi-agency approach;

- (e) there are exchanges of intelligence between different law enforcement agencies, with local consulates, and with foreign as well as Mainland authorities on activities of forgery syndicates, trends and related matters; and
- (f) we adopt a tough prosecution policy against forged travel document users, couriers and suppliers. The maximum penalty for arranging passage to Hong Kong of unauthorised entrants is a fine of \$5,000,000 and imprisonment for 14 years.

528. The Laws of Hong Kong (including the Crimes Ordinance and the Protection of Children and Juvenile Ordinance) have already put activities such as trafficking in persons and abduction of children as criminal offences, as elaborated in paragraph 479 under Part II of the Initial Report. The Prevention of Child Pornography Ordinance, elaborated in paragraphs 533 to 539 below, strengthens protection of children against sexual exploitation in the forms of child pornography and child sex tourism.

529. General training is provided to officers of the law enforcement agencies to enhance their knowledge on various illegal activities, including trafficking of children. From time to time, specialised training on prevention and detection of human trafficking is also provided to frontline law enforcement officers tasked to combat such activities.

Sexual exploitation

530. As mentioned in paragraph 471 of Part II of the Initial Report, prostitution per se is not a crime in Hong Kong. The Crimes Ordinance protects children from procurement or coercion into prostitution. Relevant provisions are set out in paragraphs 24 and 25 of Part II of the Initial Report. The maximum penalty for the key sexual offences under the Crimes Ordinance is largely the same as those set out in Annex 30 of the Initial Report. In addition, the maximum penalty for offence on arrangement and advertisement relating to commission against a child under the age of 16 of act outside Hong Kong that offends Schedule 2 provisions is, under section 153Q of the Crimes Ordinance, 10 years of imprisonment.

531. Reported cases of children working as prostitutes or children who are otherwise exploited for sexual purposes are rare (only three cases from 2005 to 2008). As explained in paragraph 471 of Part II of the Initial Report, the Police frequently conduct raids on – and inspection of – vice-related entertainment establishments and the figures for prostitution-related arrests remain low: there were eight cases in 2005; seven in 2006; one in 2007 and three in 2008. As such, we are confident that underage prostitution – i.e. children working as prostitutes – is not serious in Hong Kong.

Law enforcement efforts

532. The Police is always committed to combating all kinds of illegal prostitution activities, especially prostitution activities organised by syndicates and those involving underage girls, including illegal prostitution activities conducted under the guise of “compensated dating”. The Police will continue to take proactive enforcement actions to combat illegal prostitution activities, and will adjust their strategies having regard to circumstances to ensure effective law enforcement.

533. In particular, to crack down on individuals who arrange prostitution activities through the Internet, the Police conduct cyber patrol and enter the chat rooms or discussion forums of various websites to check if anyone arranges prostitution activities in any manner, and take enforcement actions whenever necessary.

Tackling the root cause - education and support

534. The Police, EDB and SWD have taken measures to help young people understand the harm caused by prostitution activities through inculcating in them a set of correct values. The relevant measures are summarised below -

- (a) the Police has held talks for secondary school students to educate young people on the harm of prostitution activities. It has also organised seminars jointly with the EDB and other NGOs for principals, teachers and stationing social

workers of secondary schools to brief them on how to handle students suspected of engaging in prostitution activities.

The Police also organises seminars for parents of secondary school students to facilitate early identification should any of their children engage in prostitution activities. This would enable the parents to intervene as soon as possible and to help their children get back on the right track;

- (b) the EDB is committed to promoting the whole-person development of students in different key stages of their learning. Students are taught to handle challenges and temptations in a rational and responsible manner and to make correct value judgments. As far as the curriculum content is concerned, sex education and other sex-related content (such as getting along with the opposite sex, making friends on the Internet, pre-marital sex and harmful effects of prostitution) have already been covered in the curricula at both primary and secondary levels, such as General Studies at primary level; Personal, Social and Humanities Education, Science Education and Technology Education KLAs at secondary level; as well as Moral and Civic Education at both primary and secondary levels. Liberal Studies, a core subject of the NSS Curriculum introduced in the 2009-10 school year, also enhances discussions on related themes; and
- (c) the SWD offers various welfare services to young people to prevent them from being led astray by undesirable influences during their growth. For example, the SWD has implemented the “one school social worker for each secondary school” scheme since the 2000-01 school year to offer appropriate support and counselling to students encountering difficulties in their academic studies as well as social and emotional development, including getting along with the opposite sex, falling in love, sex education, etc. Social workers also make referrals for

students in need to receive clinical psychological services having regard to the nature and seriousness of individual cases. The SWD also provides young people with comprehensive support services and helps them integrate into the community through the 135 subvented ICYSCs run by NGOs across the territory. The outreaching social work teams of these centres proactively approach and offer counselling, guidance and support services to young drifters, and refer them to other service units for follow-up where necessary.

Prevention of child pornography and child sex tourism

535. The Prevention of Child Pornography Ordinance, enacted in 2003, strengthens protection to children against sexual exploitation in the forms of child pornography, child pornographic performance and child sex tourism. To effectively combat child pornography, the Ordinance targets demand at source. Possession of child pornography is a serious offence and is liable to a maximum penalty of imprisonment for five years and a fine of \$1 million. Offenders convicted of producing, publishing or advertising child pornography are liable to a maximum penalty of imprisonment for eight years and a fine of \$2 million.

536. The Ordinance also extends the application of 24 sexual offence provisions under the Crimes Ordinance to acts committed against children outside Hong Kong to combat child sex tourism. The 24 offences are listed in Schedule 2 of the Crimes Ordinance, which is reproduced in Annex 3 of this Report.

537. Moreover, any person making or advertising any arrangement relating to child sex tourism, or procuring a child for making pornography or pornographic performance, is liable to a maximum penalty of imprisonment for 10 years and a fine of \$3 million.

538. In a recent judgment, the Court of Appeal provided four-level sentencing guidelines¹⁵ on a first-time offender convicted of possession of child pornography. Under the guidelines, sentences will be considerably increased and the deterrent effect of the law further enhanced in future.

539. The Police has used the new powers under the Ordinance to strengthen their enforcement against child pornography, and will continue to maintain close liaison with overseas law enforcement agencies and local organisations to share information and intelligence, monitor the overall situation, and update the latest development on investigation skills for combating child pornography and child sex tourism activities.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (2000)

540. On the Committee's recommendation to ratify the Protocol, the HKSAR Government has conducted a thorough study on the implications of extending the application of the Protocol to the HKSAR. Setting the backdrop of our relative economic prosperity in the region and our liberal visa regime, Hong Kong is vulnerable to illegal migrations. We are mindful of the adverse implications to our effective immigration controls and possible abuses by overstayers/illegal migrants if the Protocol, in particular the provision to permit victims of trafficking in persons to remain in the territory, is to apply to Hong Kong. Hence, we have no plan to apply the Protocol to Hong Kong at this stage. Our law enforcement departments will continue to combat

¹⁵ The four-level sentencing guidelines laid down by the Court of Appeal in the case of Secretary for Justice v Man Kwong-choi [2008] 5 HKLRD 519 are as follows:

Level-1 (images depicting erotic posing with no sexual activity): Community service order, probation, or fine where the number of offending articles is small (say 20 or less); one to six months imprisonment where the number of offending articles is large or the depictions are extremely suggestive.

Level-2 (sexual activity between children, or solo masturbation by a child): An immediate custodial sentence of up to nine months depending on the number of depictions but even a few depictions will generally attract a custodial sentence.

Level-3 (non-penetrative sexual activity between adults and children): six to 12 months' imprisonment depending on the number of depictions involved.

Level-4 (penetrative sexual activity between children and adults, sadism or bestiality): 12 months (even for a few images) to 36 months' imprisonment.

any trafficking activity vigorously, monitor the trend vigilantly and where necessary take proactive law enforcement co-operation with their counterparts outside Hong Kong.

Optional Protocol on the sale of children, child prostitution and child pornography

541. It remains our intention, as expressed at the hearing of the Initial Report, to apply the Optional Protocol to the HKSAR. Upon a thorough review of the existing legislation, we have had a basic framework on the necessary amendments to be made to specific legislation in order to bring them in line with the provision of the Convention. We are working on the technical details towards the eventual application of the Optional Protocol.

Articles 40 and 37(a) - The administration of juvenile justice and the sentencing of juveniles

Paragraph 92 of the previous Concluding Observations (CRC/C/CHN/CO/2):

In light of the recommendations adopted by the Committee on its day of general discussion on juvenile justice (CRC/C/46, paragraphs 203-238), the Committee recommended that in all areas under its jurisdiction, the State party ensure that juvenile justice standards are fully implemented, in particular Articles 37, 40 and 39 of the Convention and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. It further recommends that in all jurisdictions the State party provide training on relevant international standards to those responsible for administering juvenile justice.

542. The features of the administration of juvenile justice in the HKSAR are covered in paragraphs 406 to 437 of Part II of the Initial Report, which include presumption of innocence, prompt and direct

information of charges, no compulsion to give testimony or confess guilt, right to legal representation or legal aid, free assistance of interpreters, and alternatives to judicial proceedings and to institutional care. These are in general compliant with the Convention and the principles laid down in the relevant international standards. Paragraphs 543 to 569 below set out new developments in this area.

Training for those responsible for administering juvenile justice

Correctional services staff

543. Apart from receiving professional training in the management of offenders during their six-month basic training, including training on “United Nations Standard Minimum Rules for the Treatment of Prisoners” for newly recruited and serving staff, all correctional services staff deployed to work in correctional institutions offering young offender programmes will receive tailor-made training on the operations of the respective young offender programmes. The aim is to enhance their working knowledge and skills conducive to the effective operation of the programmes, and hence facilitating the rehabilitation of young offenders.

Prosecutors

544. The Prosecutions Division of the DoJ organises criminal advocacy courses for prosecutors and during which prosecutors are acquainted with the Juvenile Offenders Ordinance, the Protection of Children and Juvenile Ordinance, relevant international standards, and the court proceedings in relation to the juvenile justice system.

Paragraphs 90 and 94 of the previous Concluding Observations (CRC/C/CHN/CO/2):

The Committee was concerned that the minimum age of criminal responsibility in the HKSAR, at 10 years of age, was too low, and that children between the ages of 16 and 18 were not consistently accorded special protection when coming into conflict with the law. Within the HKSAR, the Committee recommended that the State party:

- (a) Raise the minimum age of criminal responsibility to an internationally acceptable level;
- (b) Abolish life sentences for persons who committed offences when they were under the age of 18; and
- (c) Ensure that all children under the age of 18 are consistently accorded special protection when coming into conflict with the law, and that their cases are heard in specialised juvenile courts by appropriately trained magistrates.

Minimum age of criminal responsibility

545. Apart from the Committee, a number of commentators called for a raise of the minimum age of responsibility. Some considered that it should be set at 12 years of age.

546. As foreshadowed in paragraphs 410 to 412 in Part II of the Initial Report, the Juvenile Offenders (Amendment) Ordinance 2003 was passed by the LegCo on 12 March 2003 to raise the minimum age of criminal responsibility from seven to 10 years of age. The Ordinance came into effect on 1 July 2003. Section 3 of the Juvenile Offenders Ordinance was amended to provide that it shall be conclusively presumed that no child under the age of 10 years can be guilty of an offence. At the same time, the rebuttable presumption of *doli incapax*¹⁶ (i.e. incapable of crime) continues to operate as a further safeguard up to the age of 14. The legislative amendment was in line with the recommendation made by the LRC in its report entitled “Report on the Age of Criminal Responsibility in Hong Kong” published in May 2000. The Commission arrived at its recommendation after thorough consideration of responses to public consultations as well as the minimum age adopted in overseas jurisdictions.

547. We consider that the common law presumption of *doli incapax* provides adequate protection for children in that age range, as the burden of proof of criminal intent is on the prosecution.

¹⁶ The common law presumption of *doli incapax* operates to deem a child between the ages of 10 and 14 incapable of committing a criminal act. Only if prosecution can rebut this presumption by showing that the accused child is able to distinguish between right and wrong can a conviction result.

The standard of proof that the prosecution must adduce in such cases is high. It must be proven beyond reasonable doubt that not only was there *actus reus* with *mens rea*, but also that the child knew that the particular act was not merely naughty or mischievous, but seriously wrong. In view of the above, the Government does not plan to further raise the minimum age of criminal responsibility for the time being.

Life imprisonment

548. As mentioned in paragraph 434 of Part II of the Initial Report, since 1 July 1997, the Chief Executive was vested with the power to determine the minimum terms of the prisoners under 18 and convicted of murder in accordance with the Criminal Procedure Ordinance.

549. However, in a Court judgment handed down in September 2002, the Court of First Instance declared the relevant sections of the Criminal Procedure Ordinance (in which the Chief Executive is vested with the power to determine the minimum terms of imprisonment in respect of a certain group of prisoners) as inconsistent with Article 80 of the Basic Law. As a result, the prisoners concerned were left with no lawfully determined minimum terms. To address the problem, a Criminal Procedure (Amendment) Bill was introduced in 2004 to provide for a revised scheme for the determination of minimum terms or determinate sentences in respect of the prisoners concerned. This was achieved by amending the Ordinance to vest in a judge of the Court of First Instance the power to determine the minimum terms or determinate sentences as appropriate for the concerned prisoners. The Bill was passed in 2004.

550. All young offenders who had been sentenced to “detention at Executive discretion” (i.e. “detention at Her Majesty’s pleasure” prior to July 1997) and mandatory life sentence have been given determinate sentences by 2005.

551. Since July 1997, the Court may only impose a discretionary life sentence, or a shorter sentence, on a young offender (i.e. under the age of 18) who committed murder. In passing a discretionary life

sentence, the Court must specify a minimum term. Young offenders so convicted are subject to review by the Long-Term Prison Sentences Review Board every two years. On the recommendation of the Board, the CE may order a determinate sentence.

552. On the other hand, we consider that the power to impose discretionary life sentence for homicide offences committed by offenders when they are below the age of 18 remains necessary to address the punitive and deterrent element dictated by the offence. In *HKSAR v. HUI Chi-wai and others*¹⁷, involving conviction of murder of young offenders of ages 17, 16¹/₂ and 17¹/₂ who were sentenced to a discretionary life sentence, the Court of Appeal held that the courts also have a firm duty in a cruel and grave case (of murder) to impose a sentence which carries strong punitive and deterrent elements, and which reflects the abhorrence that society must feel at the torture inflicted upon the deceased. The Court of Appeal held that the terms of life imprisonment for those offenders were warranted.

Special protection of children under age of 18 when coming into conflict with the law

553. Under the Juvenile Offenders Ordinance, except homicide cases, juvenile courts have exclusive jurisdiction to hear and determine all charges against children and young persons. As mentioned in Chapter II, in this context, child means a person who is under the age of 14 years, and a young person means a person who is 14 years of age or upwards and under the age of 16 years.

554. A juvenile court consists of a permanent magistrate appointed by the Chief Justice, and it has all the powers of a permanent magistrate, and the Magistrates Ordinance (Cap. 227) applies to the proceedings of the court. Special protections are accorded to proceedings in juvenile courts. Such protections include restrictions on the persons who may be present at the proceedings (i.e. only (a) officers of the court; (b) parties to the case before the court, their solicitors, counsel, witnesses and other persons directly concerned in the case; (c)

¹⁷ [2003] 2 HKC 582

bona fide representatives of newspapers or news agencies; and (d) such other persons as the court may specially authorise to be present). The juvenile court may also hear proceedings in camera, where a child or young person is called as a witness in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, and direct that all or any persons be excluded from the court during the taking of the evidence of the child or young person.

555. A charge made against person who attained the age of 16 years will be heard in a court of summary jurisdiction, not a juvenile court. Offenders of the age 16 or above would not be heard in a juvenile court.

556. As mentioned in paragraph 87 under Chapter II above, we are of the view that the present system of juvenile justice is working well and there is no pressing need for change. While offenders aged 16 or above do not receive identical treatment as that given to offenders aged below 16, and are not tried in the juvenile court, they nevertheless are afforded various special protection under our juvenile justice system. For example, the Criminal Procedure Ordinance provides for restriction on imprisonment of persons of or over 16 and under 21; and the Offences against the Person Ordinance provides that any person who is convicted of murder shall be imprisoned for life but the court has a discretion to sentence a person under 18 who is convicted of murder to imprisonment for a shorter term.

557. We also note that paragraph 13(d) of the “Vienna Guidelines for Action on Children in the Criminal Justice System” appears to suggest that it is permissible for juvenile to be tried at regular courts (as opposed to juvenile courts) provided that special procedures which take into account the specific needs of children are in place and the legislation and other measures would accord all the rights of and protection for the child in accordance with Articles 3, 37 and 40 of the Convention. We consider that the juvenile justice in the HKSAR is generally in compliance with the Convention and the principles laid down in the relevant international standards.

Article 37(b) to (d) – Children deprived of their liberty

Paragraph 94(d) of the previous Concluding Observations
(CRC/C/CHN/CO/2):

Within the HKSAR, the Committee recommended that the State party ensure that deprivation of liberty was always used as a last resort, and strengthen and expand possibilities for alternative sentences, such as mediation, probation, community service or suspended sentences.

558. At present, the HKSAR has a number of measures in place for handling juvenile offenders, providing a number of alternatives to the deprivation of liberty. These include the Police Superintendents' Discretion Scheme (PSDS), as mentioned under paragraphs 413 to 415 of Part II of the Initial Report, as an alternative to prosecution; and various sentencing options as mentioned under paragraphs 417 to 423 of Part II of the Initial Report. Legislation is in place to ensure that imprisonment is only used as a last resort. We consider the present system for administration of criminal justice for juveniles in line with the recommendation. The following paragraphs provide updates and elaboration in this aspect.

Police Superintendents Discretion Scheme (PSDS)

559. As explained in paragraphs 413 to 415 of Part II of the Initial Report, the PSDS has been an alternative to criminal prosecution in respect of young offenders who are below the age of 18 years who are involved in offence that is of a less serious nature. The main purpose of the PSDS is to bring home to young offenders seriousness of their conduct without the necessity to bring them into the criminal proceedings.

560. Under the PSDS, a police officer of the rank of Superintendent of Police or above may consider exercising his/her discretion to issue a caution to the juvenile concerned. Previously, after administering the caution, the Superintendent of Police would assess if any referral was required. These might take the form of post-caution visits by the Police Juvenile Protection Section on the juvenile offender and/or referral to the SWD, EDB and/or NGOs

running the Community Support Service Scheme, as appropriate. On 1 November 2008, the Police implemented a new policy to enhance the services under the PSDS. Under the new policy, the Superintendent of Police administering the caution will refer *all* cautioned offenders to the Police Juvenile Protection Section of the Police Region where a cautioned offender is residing for regular supervisory visits and if consent of the parents/guardian is obtained, the offender concerned will be referred to the abovementioned agencies (the SWD, EDB and/or NGOs running the Community Support Service Scheme) for follow up services, as appropriate.

The “Offering No Evidence” bind-over arrangements

561. Although less commonly used for offending juveniles (mainly due to the availability of the PSDS as an alternative), the “Offering No Evidence”/bind-over procedure is a possible form of preventive justice, which allows the juvenile defendant to avoid conviction but nevertheless help keep him “on the straight and narrow”, by requiring him to enter into a recognizance to be of good behaviour and/or keep the peace.

562. As a follow up to bind-over cases involving juveniles, where appropriate, referrals may be made to the SWD/NGOs. Social workers will then see to the needs of the juveniles and their families and render follow up services accordingly.

Sentencing options

563. The Court has the following sentencing options in relation to young offenders: unconditional discharge, conditional discharge of the offenders on their entering a recognizance, fines, confiscation of equipment and money related to the crime, compensation order, hospital order or suspended sentence. Where statutory intervention for offenders provided by the SWD is necessary, options such as Care or Protection Order, probation service and Community Service Orders Scheme may also be considered. These services aim at helping the juveniles through counselling, supervision and participation in social services for the community. The details regarding rehabilitation of

juvenile offenders were as elaborated in paragraph 438 of Part II of the Initial Report.

564. In the event that the court considers custodial arrangement appropriate, a host of services provided by the SWD and CSD are available to suit offending juveniles with different needs. The various custodian programmes run by the CSD include a detention centre programme, a training centre programme, a rehabilitation centre programme, a drug addiction treatment centre programme and a young prisoners programme, to deliver custodial and rehabilitative services for juvenile offenders aged from 14 to 21; while facilities run by the SWD include reformatory school and probation home. Since July 2007, the SWD has co-located all of its six correctional homes into one purpose-built correctional home with contemporary design and modernised facilities to ensure a safe and secure environment of the residents (see paragraphs 577 to 579 below). The Courts may, having regard to the age, nature of offence, character, previous conduct and other considerations, sentence a juvenile offender to, apart from other options, custodial arrangements in these facilities.

Consideration of sentencing options

565. In considering these sentencing options, there may be several conflicting considerations, including the interests of the juvenile offender, his/her rehabilitation, deterrence to him/her and to others, and the interests of the community. In such circumstances, the courts have to decide where the public interest lies, whether in reforming the offender or in punishing him and deterring others.

566. A judge/magistrate may request background and suitability reports from either the CSD or SWD, or from both departments, to assist him/her in making a decision on sentencing. The courts may also consult the Young Offender Assessment Panel, a special board jointly established by the CSD and SWD. It provides co-ordinated professional views to judges and magistrates on the most appropriate rehabilitation programmes in sentencing of young male offenders aged 14 to under 25 and female offenders aged 14 to under 21. The Panel meets regularly to examine all viable treatment options for young

offenders. In handling referrals from the courts, the Panel interviews the offenders and having regard to all relevant factors, recommends the most appropriate sentence option or treatment programme for consideration by the judge/magistrate.

567. The number of sentencing options to young offenders is considered adequate for the time being. The CSD and SWD will keep the programmes under constant review and introduce improvement measures as and when appropriate.

Imprisonment as a last resort

568. There is legislation in place to ensure that imprisonment of young offenders is only used as a last resort. As mentioned in the Initial Report, under section 109A of the Criminal Procedure Ordinance, no court shall sentence a person of or over 16 and under 21 years of age to imprisonment unless the court is of the opinion that no other method of dealing with such person is appropriate, except for an excepted offence (which includes crimes of extreme violence such as robbery, manslaughter, rape, etc.).

569. For offenders aged below 16, a different regime of sentencing prevails. Under the Juvenile Offenders Ordinance -

- (a) no child (i.e. aged below 14) shall be sentenced to imprisonment or committed to prison in default of payment of a fine, damages, or costs;
- (b) no young person (i.e. aged under 16 but above 14) shall be sentenced to imprisonment if he/she can be suitably dealt with in any other way; and
- (c) young person sentenced to imprisonment shall not be allowed to associate with adult prisoners.

B. Comprehensive programmes – monitoring

(a) Children in situations of emergency - Articles 22, 38 and 39

Article 22 - Refugee children

570. As mentioned in paragraph 398 in Part II of the Initial Report, all refugee camps in the HKSAR have been closed. Hong Kong announced the implementation of the Widened Local Resettlement Scheme on 22 February 2000 to allow Vietnamese refugees and eligible Vietnamese migrants stranded in Hong Kong to apply for resettlement in Hong Kong. There was no non-resettler Vietnamese refugee children stranded in Hong Kong. As at end-August 2009, only one Vietnamese child illegal immigrant, aged 17, who was arrested by the Police in August 2009, was remaining in Hong Kong pending re-entry clearance by the Vietnamese authorities.

Services for asylum seekers and illegal immigrant children

571. Further to paragraphs 401 to 404 of Part II of the Initial Report, the Government offers, on a case-by-case basis, in-kind assistance to asylum seekers who are deprived of basic needs during their presence in Hong Kong. The types of assistance offered include temporary accommodation, food, clothing and other basic necessities. Medical fee waivers, counselling service and transportation expenses are provided in appropriate cases.

572. The package of assistance offered to individual asylum seekers varies according to the unique needs and personal situations of the person concerned, including the availability of his/her own resources and the resources available to him/her from other sources. For unaccompanied minors, accommodation with supervision by qualified workers is provided. Legal assistance is also available where necessary and appropriate.

Articles 38 and 39 - Children in armed conflicts; and physical and psychological recovery and social reintegration of such children

573. As mentioned in paragraph 405 of Part II of the Initial Report, the HKSAR has not been involved in armed conflict for a long time and the question of children being involved in such a conflict does not arise.

(b) Children in conflict with the law - Articles 37, 39 and 40

574. Further to paragraphs 524 to 569 above regarding the administration of juvenile justice and sentencing options of juvenile offenders, various measures are in place to ensure that children deprived of liberty are treated with humanity and dignity, that young offenders are separated from adult offenders in general, have the right to receive family visits, have the right to prompt access to legal and other appropriate assistance, and have the right to challenge the legality of detention, as broadly explained in paragraphs 417 to 433 of Part II of the Initial Report. Updated information is set out in the ensuing paragraphs.

Articles 37(b) to (d) and 40 – Children deprived of their liberty and the administration of juvenile justice

Treatment with humanity and respect for dignity

575. The CSD's commitment to providing quality custodial and rehabilitative services is enshrined in its "Vision, Mission, Values" statement. Its mission is to, among other things, take sentenced persons into its custody in a manner which is secure to the public, safe for inmates and compatible with human dignity. One of the values upheld by the CSD is to respect the right of all persons to be treated correctly, fairly and with due respect to their dignity.

576. The overall objective of the Correctional Home operated by the SWD is to use social work approaches to implement the Court's directives in providing services for the young residents. The Convention and international human rights standards such as

the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) are observed to ensure that the rights of the residents to use facilities and services of the Home meet all the requirements of health and human dignity.

577. The SWD had constructed a new training complex, namely the Tuen Mun Children and Juvenile Home, in March 2007 to take over the statutory duties and responsibilities of the six old juvenile homes. The design of the new home, such as adequate functional areas and open space, use of electronic access control and CCTV system (not in residents' dormitories), clear ceiling height of four meters and absence of blind spots in corridor and dormitories in all buildings, prevents the possibilities of bullying among the residents or self-hurting behaviour. The Manual of Procedures of the juvenile homes which has been overhauled and revised in 2003 with ongoing instructions from the superintendents was followed by all home staff. The Manual stipulates procedures for handling bullying, aggressive behaviour, violence and group fighting, including the reporting of significant events and crime. It also stipulates that a Reward and Punishment Scheme of the Home approved by officers with ranking of Chief Social Work Officer be put in place. For serious infringements of home regulations, a Disciplinary Board will be convened to determine appropriate punishment to be imposed. Segregation is not encouraged and should only be used when no other feasible alternative can be applied to control resident's serious disturbing behaviours. When segregation is exercised, staff should strictly adhere to the principles and procedures laid down in the Manual.

578. The Manual of Procedures of the Home also stipulates the requirements of daily routines and activities of the residents, i.e. suitable schoolroom instruction and practical work shall be provided and recreation and exercise shall be arranged for two hours per day, of which one hour shall be spent in exercise in the open air except in inclement weather.

579. The education and vocational training programme of the new Home has been outsourced to an outside vocational training institution which is experienced in providing a comprehensive education and vocational training programme to youngsters who are not well

adjusted to the mainstream education. The curriculum structure covers both vocational training programme and generic subjects to cater the diverse interests of the residents and stretch their potential to the full. The training programme is a credit-based system. Residents can make their choice of specific trade and the credits they earned can be recognised for admission to similar programmes upon discharge. This enables residents' reintegration into the community after their discharge.

Separation of young offenders from adults

580. The position remains basically the same as mentioned in paragraphs 425 to 427 in Part II of the Initial Report, i.e. special arrangements have been made for separating offenders aged below 21 years from adult offenders during detention.

581. Furthermore, as a general rule, offenders aged 14 to 17 and offenders aged 18 to 20 are separated from each other. The two groups are accommodated separately at night. As for other programmes during day time, the two groups are separated from each other as a general practice. However, the two groups may be placed together at some special occasions, e.g. during religious services or at some relatively advanced educational classes where only a few offenders attend.

582. We are considering the withdrawal of the respective reservation applicable to Article 37(c), which requires the separation of children from adults during detention. This is elaborated in paragraph 660 of Chapter IX.

Legal and other form of assistance

583. The position is as mentioned in paragraphs 430 and 431 of Part II of the Initial Report except that the Welfare, Aftercare and Personal Officers of the CSD are re-titled as Rehabilitation Officers.

Care and Protection Orders

584. Some commentators considered that juvenile offenders and children in need of protection under the “Care and Protection Orders” should be dealt with in separate courts and the latter should be transferred to the Family Court. We consider that the existing system, under which care and protection orders are made in the magistrates’ court, has been running smoothly and there is no need for change.

Representation of children in care or protection cases

585. Paragraphs 54 to 57 of Part II of the Initial Report set out the measures in place for ensuring that children are duly represented in courts. To enhance the representation of children in court, and to better comply with the requirements of Article 37(d) of the Convention, we have put in place the Legal Representation Scheme in October 2003 for children/juveniles who are deprived of liberty and detained in a gazetted place of refuge under Section 34E of the Protection of Children and Juvenile Ordinance. The Scheme was extended in June 2005 to cover children/juveniles taken to the juvenile court directly by the Police for the application for care or protection orders without any period of detention in a gazetted place of refuge before the court hearing, and the children/juveniles are likely to be detained in a gazetted place of refuge on the recommendation of a social worker of the SWD. In March 2007, the Scheme was further extended to cover all such cases even without parental/guardian consent.

Article 39 - Physical and psychological recovery and social reintegration

586. The position regarding the rehabilitation of juvenile offenders is as generally explained in paragraph 438 of Part II of the Initial Report, with updates provided below.

Rehabilitation Centres

587. As reported in paragraph 439 of Part II of the Initial Report, the Rehabilitation Centres Bill was introduced into the LegCo in 2000.

The Bill proposed a correctional and rehabilitative programme lasting between six and nine months, with emphasis on community-based measures for the rehabilitation of young offenders whose crimes call for short-term residential treatment. The programme would be less physically demanding than that of the detention centres (which only cater for male offenders), and would provide an intermediate sentencing option between the longer term Training Centre Programme of the CSD and the non-custodial measures administered by the SWD.

588. The Rehabilitation Centres Ordinance (Cap. 567) was enacted in 2002. Details of the Rehabilitation Centres are described at Annex 4 while those of other institutions operated by the CSD remain largely the same as set out in Annex 27 of the Initial Report. As for the implementation of recommendations contained in the “Research on the Effectiveness of Rehabilitation Programmes for Youth Offenders”, in addition to two NGO-run Community Support Service Scheme that has been operating on a permanent basis from October 1997, there have been three other NGOs operating the Scheme over the territory since 2001-02.

Restorative justice

589. A commentator raised the issue of the development of a restorative justice system in Hong Kong for unruly children. The Government consider that many elements and practices of the existing measures in Hong Kong are already similar to those of restorative justice practised overseas, such as diversion of the juvenile offender from the court where possible, holding him accountable for his behaviour, facilitating his reintegration into the society and involving his family where appropriate. On victim participation, we have not been able to find clear empirical proof demonstrating the long-term positive efforts of victim participation in overseas jurisdictions. After assessing the possible extra benefit that victim participation in the criminal justice system might bring on top of the existing measures in the context of Hong Kong, we do not consider that we should seek to introduce it into our system.

(c) *Children in situations of exploitation, including physical and psychological recovery and social reintegration - Articles 32 to 36 and 39*

Article 32 - Economic exploitation, including child labour

590. Children remain well protected from economic exploitation through relevant laws and measures governing minimum ages for employment, working hours and conditions, rights and benefits, and occupational safety and health. Developments on the situation as mentioned in paragraphs 440 to 449 of Part II of the Initial Report are provided in paragraphs 591 to 594 below.

Employment in the industrial sector

591. In paragraph 442 of Part II of the Initial Report, we stated that we were considering amending the Employment of Young Persons (Industry) Regulations (Cap. 57C) to prohibit the employment of persons under the age of 18 years in dangerous trades. The Regulations had been amended in June 2002 and since then, the minimum age of workers employed in dangerous trades has been raised from 16 to 18. Also, the Factories and Industrial Undertakings (Woodworking Machinery) Regulations (Cap. 59G) had been amended in June 2002 to prohibit the employment of any person under 16 years of age on any woodworking machine in all circumstances.

Enforcement of legislation to protect child workers

592. Further to paragraph 447 of Part II of the Initial Report, the inspectors of the Labour Department continued to conduct routine and surprise inspections to industrial and non-industrial undertakings to ensure compliance by employers with the relevant labour legislation, including the Employment of Children Regulations (Cap. 57B) and the Employment of Young Persons (Industry) Regulations (Cap. 57C). In 2008, they conducted a total of 132 525 inspections and 12 employers were convicted for breach of the Employment of Children Regulations or the Employment of Young Persons (Industry) Regulations.

Statutory minimum wage

593. As to the call for “minimum and reasonable wage protection for young persons” raised in paragraph 449 of Part II of the Initial Report, as mentioned in paragraph 342 in Chapter VI above, the Chief Executive of the HKSAR announced in his 2008-09 Policy Address that the Government would introduce a statutory minimum wage for all employees in Hong Kong, including young workers. Legislative work has been in progress since the introduction of the Minimum Wage Bill in June 2009.

International conventions in relation to child labour

594. As for the international conventions in relation to child labour, the following two fundamental International Labour Organization Conventions under the category of “The Elimination of Child Labour” are applied to HKSAR without modification –

- (a) **Minimum Age Convention 1973 (No. 138):** It stipulates that the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling; and
- (b) **Worst Forms of Child Labour Convention 1999 (No. 182):** It calls for immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, including slavery and similar practices, forced recruitment for use in armed conflict, use in prostitution and pornography, any illicit activity, as well as work which is likely to harm the health, safety and morals of children.

Article 33 - Drug abuse

595. In the past few years, Hong Kong saw a significant rise in the number of young drug abusers. The relevant statistics are given in paragraphs 636 to 639 below. The drug abuse problem for youths has become a significant concern of the public. The following paragraphs update the position on efforts against drug abuse under paragraphs 458 to 470 of Part II of the Initial Report.

Action to tackle drug abuse among children and youth

596. The Security Bureau (SB)'s Narcotics Division co-ordinates anti-drug policies in close co-operation with the EDB, Food and Health Bureau, the Police, Customs, SWD, DH, HA and NGOs. The overall strategy for reducing the supply of illicit drugs and the demand for them comprises five prongs: preventive education and publicity, treatment and rehabilitation, legislation and law enforcement, external co-operation and research.

597. To arrest the trend of youth drug abuse, a high level inter-departmental Task Force on Youth Drug Abuse was formed in October 2007, under the chairmanship of the Secretary for Justice, Deputy Chairman of the Fight Crime Committee.

598. After a year of critical review and extensive consultation, the Task Force published a Report on 11 November 2008. The Task Force has proposed more than 70 recommendations and drawn up long-term, sustainable and comprehensive strategies. The Task Force takes the view that the five-pronged approach is effective, yet efforts should be strengthened in each of these prongs and collaboration among them should be enhanced. Suffice it to say that the primary objective of the strategies is to protect young people from the scourge of drugs. In addition, the Task Force believes that it is essential to foster a caring culture for our youth within the community at large.

599. The Chief Executive announced in July 2009 further stepping up of the anti-drug campaign in five aspects, namely community mobilisation, community support, drug testing, treatment and rehabilitation and law enforcement. Co-ordinated efforts are made across bureaux and departments and community stakeholders to pursue various measures vigorously.

Preventive education and publicity

General publicity

600. Our aim is to reduce the demand for illicit drugs by

imparting knowledge on drugs to different stakeholders, dispelling any misconceptions, strengthening young people's life skills and resistance to adversity and temptations, and mobilising the whole community to join the anti-drug cause. We have adopted a new Chinese nomenclature for drug abuse and tied it in with a two-year territory wide campaign under the theme "No Drugs, No Regrets. Not Now, Not Ever" launched in June 2008. A series of publicity measures have followed the launch. Over a hundred anti-drug programmes were organised at both the territory-wide and district levels. Organisations from a wide spectrum of the community have joined the campaign. We will also make better use of the Internet for anti-drug work and improve the Hong Kong Jockey Club Drug InfoCentre, an exhibition centre dedicated to drug prevention.

601. We are reaching out to parents through various means, with a view to incorporating drug education into more general parental education programmes and activities. We have developed a resource kit for parents to help schools and parent-teacher associations plan and implement anti-drug programmes for parents. Demonstrations and training sessions on the resource kit have been arranged.

School sector

602. The school sector is an important platform for preventive efforts. The Narcotics Division and the EDB are working closely to implement a series of measures recommended by the Task Force, including the following -

- (a) promoting the institutionalisation of a school-based "Healthy School Policy" with an anti-drug element;
- (b) strengthening preventive education measures for students, including review on the school curriculum and other learning opportunities;
- (c) strengthening the support for schools, such as provision of structured training for teachers and school personnel, and development of anti-drug resource kits; and

- (d) assisting schools in the early identification of and provision of assistance to at-risk students, including timely referral and follow up of drug-related cases.

Treatment and rehabilitation

603. Programmes in this regard include compulsory treatment programmes operated by the CSD, a voluntary methadone out-patient treatment programme offered by the DH, substance abuse clinics operated by the HA, counselling centres for psychotropic substance abusers (CCPSAs) and voluntary residential treatment programmes in Drug Treatment and Rehabilitation Centres run by NGOs. All services are provided to, among others, young persons.

604. We are enhancing our social and medical services in order to trawl drug abusers, and help them kick the habit and reintegrate into society. In 2008-09, we have strengthened our outreaching, medical social work and residential treatment services. Resources have been allocated to provide 101 additional subvented places in Drug Treatment and Rehabilitation Centres, to enhance medical social services in substance abuse clinics, to open two new clinics and two new CCPSAs, and to strengthen the manpower of the 16 District Youth Outreaching Social Work Teams, 18 teams of Overnight Outreaching Service for Young Night Drifters and five teams under the Community Support Service Scheme. In October 2009, we introduced on-site medical support at the CCPSAs.

605. A host of medium-term recommendations in the Task Force Report have been further developed and taken forward in the context of the Fifth Three-Year Plan on Drug Treatment and Rehabilitation Services (2009-11), which was released on 2 April 2009. These include the development of a networking model on a cluster basis, provision of training for anti-drug workers, enhancement of the reintegration elements in treatment and rehabilitation programmes, improvement in capacity and quality of various programmes, and resources reengineering.

Drug testing

606. To help identify young drug abusers early for treatment, the Task Force recommends drug testing at various levels. First, we will provide voluntary drug testing in CCPSAs as part of the enhanced medical support for individuals by end 2009. Second, at the school level, we will launch a trial scheme of drug testing in 23 secondary schools in Tai Po District in December 2009. Alongside the trial scheme, we will commission a research project to, among other things, evaluate the effectiveness of the trial scheme and to devise possible school-based drug testing schemes for gradual rolling out to all schools in future. Third, the Task Force recommends that, as a matter of principle, introduction of new legislation to empower law enforcement officers to require a person reasonably suspected of having consumed dangerous drugs to be subjected to a drug test. We will set out our detailed proposal for a compulsory drug testing scheme in a consultation paper to invite public views.

607. We note that the different drug testing schemes are new concepts in Hong Kong and that some commentators have urged the Government to take them forward cautiously, particularly the school-based and compulsory schemes. We must emphasise that the primary objectives of these schemes are not prosecution, but prevention of drug abuse by non-users and early identification of those who have taken drugs in a bid to provide necessary support to them. In formulating and taking forward proposals for drug testing schemes, the Government has taken and will continue to take into account an array of factors. These include privacy, human rights, impact of the proposed scheme on children taking into account children's rights under the Convention, children's relationship with parents and teachers, etc.

608. For example, the design of the trial scheme on school drug testing in Tai Po district in the 2009-10 school year has all along been based on voluntary participation. To encourage parents and students to discuss the purposes and the benefits of the trial scheme and to develop mutual trust regarding participation, we will seek prior written consent of both the students and their parents before the students' voluntary participation in the scheme.

Enhanced probation system

609. To help those young drug abusers caught by the criminal justice system and break the drug-crime cycle, we launched a two-year pilot scheme in October 2009 to try out an intensified rehabilitation system with closer co-operation between Probation Officers and the Judiciary, borrowing some key features of the drug courts overseas.

Legislation and law enforcement

Overview

610. The legislation remains largely the same as mentioned in paragraphs 459 to 461 of Part II of the Initial Report. The Dangerous Drugs Ordinance (Cap. 134) is the principal statutory instrument for the control of dangerous drugs, which include commonly abused psychotropic substances. It is jointly enforced by the Police, Customs, and DH. The Police and Customs are mainly concerned with enforcement against trafficking, manufacture, and other non-medical use of dangerous drugs. The DH is responsible for the import/export, manufacture, sale and supply of dangerous drugs for medical purposes. Penalties for offences under this Ordinance are severe. For example, the maximum penalty for trafficking in or illegally manufacturing dangerous drugs is a fine of \$5 million and life imprisonment.

611. Other laws include -

- (a) **the Pharmacy and Poisons Ordinance (Cap. 138)** which imposes controls on the supply of pharmaceutical products;
- (b) **the Control of Chemicals Ordinance (Cap. 145)** which controls the import and export of precursor chemicals for the manufacturing of drugs;
- (c) **the Import and Export Ordinance (Cap. 60)** which provides that the import and export of every consignment of a pharmaceutical product is subject to licensing requirements; and

- (d) **the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405)** which provides for the tracing, restraint and confiscation of proceeds from drug trafficking.

612. The legislation is kept under regular review to ensure that it is effective and in step with international practices.

Sentencing

613. In a landmark case¹⁸ held in June 2008, the Court of Appeal, having considered evidence including expert witnesses' reports, research findings and medical evidence, substantially raised the sentence tariffs for trafficking in ketamine and ecstasy. We welcome the judgment.

614. We will continue to update Judges and Judicial Officers on the latest drug scene and continue to utilise section 56A of the Dangerous Drugs Ordinance¹⁹ and the aggravating factor of drug importation for enhanced sentencing in appropriate cases.

Law enforcement

615. To help schools fight drugs and other juvenile crimes, 27 police school liaison officer posts were created in 2008 on top of the previous 58. Communication has also been strengthened for the more effective sharing of information between schools, the Police and the EDB. The Police also set up in 2008 a dedicated team to carry out Internet patrol to combat drug offences.

616. The law enforcement agencies will also continue to sustain their crime prevention efforts through publicity and preventive education in collaboration with NGOs as well as industry partners.

¹⁸ Secretary for Justice v Hii Siew Cheng [2009] 1 HKLRD 1

¹⁹ A special provision empowering the court, where it is satisfied with evidence that an adult has involved a minor in the commission of a drug-related offence and if it thinks fit, to pass a sentence on the convicted adult offender that is more severe than the sentence it would, in the absence of such evidence, have passed.

Cross-boundary drug abuse

617. To combat the problem of cross-boundary drug abuse, the Police have discussed with their Mainland counterparts arrangements for the sharing of information on Hong Kong youngsters caught abusing drugs in the Mainland, as well as repatriation of those who have been administratively detained in the Mainland. Customs has enhanced its detector dog services and plainclothes operation at boundary control points. Also, anti-drug publicity measures at boundary control points have been enhanced during the festive seasons.

External co-operation

618. Ketamine is the most common illicit drug abused by youngsters in Hong Kong, yet it is currently not subject to the control of the three international anti-drug conventions. The WHO Expert Committee on Drug Dependence will consider whether the international control of ketamine should be tightened. To contribute to the review process, the HKSAR Government has submitted information on the serious harms of ketamine and the widespread abuse situation in Hong Kong to the International Narcotics Control Board through the CPG.

619. The HKSAR will work closely with our neighbours especially in Guangdong and Macao at the levels of law enforcement and policy formulation.

Research

620. To ensure that our anti-drug policy is evidence-based and to respond to new challenges brought by the changing drug scene locally and overseas, we will study more effective methods for estimating the drug abuse population in Hong Kong and the drug abuse situation among the non-engaged youth, and conduct further research on the harmful effect of psychotropic substances. A student drug use survey is underway with extended coverage to include those from Primary Four to post secondary, with future rounds to be conducted more frequently at three-year intervals.

Community care, support and participation

621. To more comprehensively and effectively avail vulnerable youth to protective factors, we need to foster a caring culture for our youth in the community, strengthen complementary support among various sectors and stakeholders, and promote participation in the anti-drug cause by all. This is an additional and yet fundamentally important dimension in the overall strategy. To this end, we launched in September 2008 the “Path Builders” initiative and are working in collaboration with other policy areas such as family matters, youth development, youth employment and adolescent health.

Article 34 - Sexual exploitation and sexual abuse

Definition of child sexual abuse

622. In addition to measures explained in paragraphs 535 to 541 above which update paragraphs 471 to 478 of Part II of the Initial Report, in response to the Committee’s recommendation for definition of child sexual abuse in a more explicit manner, we would like to clarify that the Police define child sexual abuse as the involvement of a child in sexual activity and exploitation of a child for sexual or erotic gratifications (including rape, indecent assault, unlawful sexual intercourse etc), irrespective of whether the victim gave consent and the nature of relationship between the victim and the offender, such as whether they knew each other or whether the offender was responsible for the care of the victim (except for cases of sexual crimes (such as incest) where the offender and the victim must fall within certain bounds of blood relationship as specified under the law). The updated statistics on sexual offences against minors are given in Table 54 below.

Consultation on “Interim proposals on a sex offender register”

623. Some commentators advocated the setting up of a sex offender register in the HKSAR. In this relation, in July 2008, the Review of Sexual Offences Sub-committee of the LRC published a consultation paper on “Interim proposals on a sex offender register”. Having examined the various forms of “sex offender registers” in

a number of jurisdictions, the Sub-committee recommended establishment of an administrative scheme to enable employers of persons engaged in “child-related work” and work relating to mentally incapacitated persons to check the criminal conviction records of prospective employees with their consent. For the purposes of the scheme, ‘child-related work’ is work where the usual duties involve, or are likely to involve, contact with a child. Relatively minor convictions that are regarded as “spent” under the Rehabilitation of Offenders Ordinance (Cap. 297) will not be disclosed under the proposed scheme.

624. Close to 200 written responses to the consultation paper have been received from schools, other organisations and individuals. The views expressed are divergent. The Sub-committee is reviewing the recommendations in the light of the views received and developments in overseas jurisdictions, and will report to the LRC with its final recommendations as soon as practicable. The Government will consider the LRC’s final recommendation when available.

Article 39 - Physical and psychological recovery and social integration

625. The measures to promote physical and psychological recovery and social reintegration of juvenile offenders are included in paragraphs 586 to 589 above and those measures for child victims of any form of neglect, abuse and exploitation are covered in paragraphs 189 to 216 in Chapter V.

***(d) Children belonging to minority or indigenous groups -
Article 30***

626. The rights for ethnic minority children to enjoy their own culture, practise their own religions and use their own languages in community with other members of their group continues to be well protected. These include the right to religious freedom as explained in paragraph 481 of Part II of the Initial Report, and other civil liberties as mentioned in Chapter IV.

627. Incidents of children living or working on the street are very rare in Hong Kong. In case children are found living or working on the street, the HKSAR has in place a range of child protection and family support services to safeguard and promote their well being.

C. Allocation of budgetary and other resources

Article 33 - Drug abuse

628. Table 44 below shows the Government's expenditure on core anti-drug programmes in the recent few years:

Table 44: Government expenditure on core anti-drug programmes in 2006-07 to 2008-09 (\$million)

	2006-07	2007-08	2008-09
Government expenditure on core anti-drug programmes	583	605	682

629. The table, however, does not include expenditure on more general programmes (such as school social worker services, outreach social work services, probation service, the police school liaison programme, and general law enforcement) which contribute to drug abuse as well as wider issues like youth development, juvenile delinquency, crime, rehabilitation of offenders, etc.

D. Statistical data

Article 22 - Refugee children

630. As at mid-September 2009, there are 16 refugees aged below 18, including one unaccompanied, and 65 asylum seekers aged below 18, amongst which seven are unaccompanied.

Article 40 – The administration of juvenile justice

631. Since the introduction of the rehabilitation centres programme in 2002, a total of 1 511 male and 385 female inmates had been sentenced to this programme as at end 2008 (see Table 45). Table 46 sets out the number of cases where criminal legal aid were granted to persons under 18 since 2002.

Table 45: Number of admissions to the rehabilitation centres programme in 2002-08

	2002	2003	2004	2005	2006	2007	2008	Total
Male	73	185	218	177	250	264	344	1511
Female	26	50	61	56	55	63	74	385

Table 46: Number of cases where criminal legal aid were granted to persons under 18 in 2002-08

	2002	2003	2004	2005	2006	2007	2008
Number of cases	140	162	178	160	137	128	94

632. The recidivism rates of rehabilitation centre inmates discharged between 2003 and 2005 are 13.7%, 19.5% and 21.1% respectively. Figure for 2006 is not yet available. Recidivism rate refers to the rate of re-admission within three years after discharge. The increasing recidivism rates were mainly due to the drug-related problems and sophisticated criminal background of individual inmates, both of which made them vulnerable to drug temptation and relapse into crime, particularly during unfavourable socio-economic conditions.

Article 37(b) to (d) – Children deprived of their liberty

633. The number of persons remanded in CSD's institutions and their average length of remand from 2005 to 2008, as well as the number of institutions specifically for those who have infringed the penal law are set out in Tables 47 and 48 below. There is no person under 18 detained in institutions that are not specifically for children.

Table 47: Number of persons aged between 14 and 17 remanded in CSD's institutions and their average length of remand in 2005-08

	2005	2006	2007	2008
Number of persons	1 021	1 088	1 151	1 191
Average length of remand (months)	2	2.1	1.8	1.4

Table 48: Number of institutions specifically for persons under 18 alleged as, accused of, or recognised as having infringed the penal law

Institutions	Target	Number
Detention Centres	Young offender of 14 to 17 years of age (detained in the Junior Section of the Centre)	1
Training Centres	Young offenders of 14 to 20 years of age (separate sections for male offenders aged 14 to 17 and aged 18 to 20; and a section for female offenders aged 14 to 20)	2
Young Prisoners Programme	Young offenders of 14 to 20 years of age	2
Drug Addiction Treatment Centre Programme	Young drug addicts of 14 years of age or above	1
Rehabilitation Centre	Young offenders of 14 to 21 years of age	4

634. Tables 49 and 50 respectively shows the number of young persons sentenced by court to undergo correctional programmes and their average length of detention, and the number of reported case of abuse and maltreatment of young persons during custody from 2005 to 2008.

Table 49: Number of persons aged between 14 and 17 sentenced by court to undergo correctional programmes and their average length of detention in 2005-08

	Year of Discharge			
	2005	2006	2007	2008
Number of persons discharged	683	538	546	604
Average length of detention (months)	6.7	7.7	8	7.5

Table 50: Number of reported cases of abuse and maltreatment of persons under 18 during their custody under the CSD in 2005-08

	2005	2006	2007	2008
Reported cases of abuse and maltreatment	1	1	0	2

Note: all four cases were “unsubstantiated” cases.

Article 32 - Economic exploitation, including child labour

Apprenticeship Ordinance (Cap. 47)

635. Further to paragraph 440 of Part II of the Initial Report, in 2008, over 1 600 contracts were registered under the Apprenticeship Ordinance, and some 3 000 apprentices were under training (compared with over 2 500 contracts and about 5 900 apprentices in 2000 as reported in the Initial Report).

Article 33 - Drug abuse

636. According to the Central Registry of Drug Abuse (CRDA), a voluntary reporting system administered by the SB, 1 822 reported drug abusers in 2008 were aged under 18, 54.8% up from 2005. The proportion of drug abusers in this cohort to the overall drug abuser population also increased from 8.3% to 12.9% in the same period. Ketamine was the most common drug among these youngsters, consumed by 87.6% of them. The next two commonly abused drugs were ecstasy and ice, as taken by 19.0% and 15.8% respectively of

young drug abusers in 2008. The proportion of young abusers taking psychotropic substances remained high at above 99% since 2006. Breakdowns of the number of drug abuser aged below 18 reported to the CRDA in 2005 to 2008 are set out in Table 51 below. About two-thirds of those young abusers aged under 18 reported in 2008 were male. Their average age was 16. About one-third of them had previous convictions; a quarter of them were employed, and 42.5% were students at the time of report. Over 98% had received at least secondary education.

Table 51: Number of drug abusers aged below 18 reported to CRDA in 2005-08

	2005	2006	2007	2008
Aged under 18				
<i>By gender</i>				
Male	783	839	1070	1175
Female	394	486	570	647
Both sexes	1 177	1 325	1 640	1 822
<i>By major ethnic group (Note)</i>				
Chinese	1 024	1 182	1 510	1 801
Number of reported drug abusers with known ethnicity	1 041	1 197	1 527	1 815

Note: The number for most of other minority ethnic groups such as Vietnamese and Nepalese were all less than six.

637. As regards the survey of drug use among students, the last survey was conducted in 2004. Results revealed that about 3.4% (i.e. 17 300) of the secondary students had ever abused heroin or psychotropic substances in their lifetime, of which about 0.8% (i.e. 4 300) of the secondary students had abused heroin or psychotropic substances in the 30 days prior to the survey.

Reasons for drug abuse

638. The reasons for drug abuse are varied and complex. According to CRDA, in 2008, the reported young drug abusers aged under 18 gave the reasons at Table 52 for current drug abuse.

Table 52: Reasons for current drug abuse reported by young drug abusers aged under 18 in 2008

Reasons	%
Peer influence/To identify with peers	68.9%
Curiosity	47.7%
Relief of boredom/Depression/Anxiety	43.9%
To seek euphoria or sensory satisfaction	37.0%
To avoid discomfort of its absence	14.5%

639. Table 53 sets out the number of admissions to treatment and rehabilitation programmes for drug abusers under 21 in 2005-08.

Table 53: Number of admissions to treatment and rehabilitation programmes for drug abusers under 21 in 2005-08

Type of treatment programmes	2005	2006	2007	2008
Drug Addiction Treatment Centres under CSD	66	57	118	206
Methadone Treatment Programme under DH	56	28	30	54
Voluntary residential treatment programmes run by NGOs	162	206	277	380
Substance abuse clinics under HA	175	126	83	108
Counselling centres for psychotropic substance abusers run by NGOs	149	180	294	419
Total number of reported drug abusers receiving treatment and rehabilitation programmes	608	597	802	1167

Article 34 - Sexual exploitation and sexual abuse

640. The number of cases of sexual abuse are set out in Table 54 below.

Table 54: Sexual offences against minors in 2005-08

	2005	2006	2007	2008
Rape	32	30	35	32
Indecent assault	432	416	481	516
Incest	4	0	2	4
Unlawful sexual intercourse	217	227	310	359
Others	26	32	41	70
Total	711	705	869	981

Cases of children exploiting others for sexual purposes

641. Cases where children exploit others for sexual purposes remain very rare: only three persons aged between 10 and 15 were convicted of such related offences in 2005 to 2008 – two convicted of “procurement of women under 21 to have unlawful sexual intercourse” and the other convicted of “causing or encouraging prostitution of girl under 16”. For persons aged between 16 and 18, none was convicted of the two offences aforementioned; only one person was convicted of “person living on earnings of prostitution of other”.

Prosecutions under the Prevention of Child Pornography Ordinance

642. Since the enactment of the Prevention of Child Pornography Ordinance and up to December 2008, 109 persons were arrested for offences under the Ordinance with 80 persons being prosecuted. Of these 80 persons, 65 were convicted in court and received various punishments, including custodial sentence up to 11 years, fine up to \$50,000, Community Service Orders and/or probation orders. Eight were prosecuted for other offences. Of the remaining 29 persons who were not charged, six were dealt with under the PSDS. Twenty-two were released unconditionally after enquiry due to insufficient evidence. One person died during the course of case investigation.

E. Factors and difficulties

Cyber patrol

643. We mentioned in paragraph 533 above that the Police conducts cyber patrol in combating illegal prostitution activities. Since some of the websites involved are overseas websites, the Police may encounter certain difficulty in ascertaining the identity of the suspects in such cases. Furthermore, the Police often has to contact those who claim to provide or arrange sexual services through internet in the course of collecting evidence and law enforcement, and may encounter difficulty during the process.

Hidden nature of psychotropic substances

644. The rise of psychotropic substance abuse among young people is posing significant challenges to Hong Kong.

645. A major difficulty is identification and contact. In contrast with traditional drugs like heroin, psychotropic substance abuse is more “hidden” (i.e. not easily seen or detected). It is noted that 28% of the young drug abusers aged under 18 who were reported to the CRDA for the first time in 2008 have a drug abuse history of two years or more.

646. In the first place, many common psychotropic substances can simply be sniffed or swallowed, rather than injected. The need for apparatus is often minimal. This makes discovery more difficult. Moreover, youngsters like to abuse drugs at home or friend’s home, where they have much privacy.

647. Second, some common psychotropic substances could be subject to less frequent recreational or experimental use at the beginning without intervening discomfort. According to the CRDA, the median monthly frequency of abuse for reported ketamine and heroin abusers were six and 60 times respectively in 2008.

648. Many harmful effects of psychotropic substances on the body, like the development of mental diseases, may not be immediate or apparent at the beginning, but may gradually surface after a few years.

649. The lower frequency of abuse, and the slow emergence of withdrawal symptoms and other harmful effects on the body would make enquiries by family members less likely and young abusers themselves less motivated to seek help, who may remain hidden from the usual help networks for quite some time.

650. In face of the challenges brought by the hidden nature of psychotropic substances, early identification and intervention is the major theme of the recommendations of the Task Force on Youth Drug Abuse. The Government will step up efforts to identify drug abusers early through publicity, treatment and rehabilitation programmes and new proposals such as drug testing schemes.

Accessibility

651. The most common psychotropic substances in Hong Kong, ketamine, ecstasy and ice, are synthetic drugs which can be produced wholly from precursor chemicals in clandestine laboratories. This makes the monitoring of the supply and trafficking more difficult than heroin, which is made from opium plants grown only in a few countries.

652. Worse still, ketamine, the most popular illicit drugs in Hong Kong, is not subject to control of the international drug conventions. Illicit diversion from legal supply and international trafficking are challenges for the law enforcement authorities.

653. Moreover, the purely synthetic nature of the common psychotropic substances, the availability of supply and the less frequent abuse patterns may make them relatively more affordable or accessible to youngsters.

654. According to the CRDA, in 2008, half of the reported heroin abusers spent over \$130 every time in taking the drug, while half of the reported abusers of ketamine spent over \$100 every time.

Taking into account the different frequencies in taking the two drugs, heroin abusers tended to spend much more (with a median monthly usual expenditure at \$6,750) than ketamine abusers (with a median monthly usual expenditure at \$700).

655. To reduce the supply of drugs such as ketamine, the law enforcement departments spare no efforts in combating illicit manufacturing, trafficking and possessions of drugs. They maintain close co-operation with their Mainland and overseas counterparts, as well as with regional and international organisations. We will also continue to advocate international control of ketamine and supply information to the international organisations as and when suitable opportunities arise.

IX. RESERVATIONS AND DECLARATIONS

A. Updates and developments

Paragraphs 8 and 9 of the previous Concluding Observation (CRC/C/CHN/CO/2):

The Committee recommended that the State party review and withdraw all reservations to the Convention for all areas under its jurisdiction.

Children seeking asylum in Hong Kong

656. We informed the Committee in paragraph 484(b) of Part II of the Initial Report that we proposed to take steps to formally withdraw the reservation on Article 22, which stipulates that children have the right to appropriate protection and help if they are refugees. The reservation was meant to be a temporary measure to deal with the then special situation of the influx of large number of Vietnamese children seeking asylum in Hong Kong.

657. As the Vietnamese refugee crisis came to an end, we concluded in 2002 that the reservation was no longer necessary. We are pleased to report that in April 2003, we formally informed the Committee of the withdrawal of the reservation applicable to Article 22 of the Convention.

Working hours of children

658. We have also reviewed the reservation in respect of Article 32(2)(b) which requests State Parties to provide for appropriate regulations on the hours and conditions for employment. Removal of the reservation would require restriction be placed on the hours of employment for young persons who have attained the age of 15 years in respect of work in non-industrial establishments. Young persons usually lack work skills, experience and academic qualifications. Imposing further restrictions on their hours of employment in non-industrial establishments would discourage employers from hiring

young persons. This will not be conducive to their entry into the employment market and will reduce their opportunities to acquire the necessary work skills and experience for personal and career development. This is not in line with our policy of improving employment opportunities for young persons and the development of their full potentials. In the HKSAR, safety and health of young persons at work are protected by relevant legislation, including the Occupational Safety and Health Ordinance (Cap. 509) and its regulations which require employers to provide a safe and healthy work environment for their employees, irrespective of their age and the Government has put in place effective inspection system to enforce the legislation.

659. We therefore consider that the reservation on Article 32(2)(b) should be retained.

Juvenile in penal institutions

660. The HKSAR is considering the withdrawal of its reservation in respect of Article 37(c), which requires that every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so. A long-term prison development plan is being devised by the CSD of the HKSAR and reviews have been conducted from time to time to achieve a better utilisation of penal places and to meet the projected growth in the penal population. These strategic planning will provide sufficient accommodation to enable us to separate under 18 year-olds from older offenders throughout the system. We will keep in view the progress and withdraw the reservation in question as soon as practicable.

Immigration legislation

661. On the reservation regarding the right to apply immigration legislation on those who do not have right to enter or remain in Hong Kong, we have reviewed the circumstances and considered that there is no material change in the relevant circumstances. The reservation remains necessary to uphold effective immigration control in the HKSAR, and there are statutory and judicial channels in place to enable persons to seek redress for immigration decision.

**Declaration and Programme of Action adopted at the
2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
Subject areas relevant to the Convention under the Programme of Action – Position of the HKSAR**

Note: The table below lists out in brief the relevant positions of the HKSAR on the subject areas of the Programme of Action which are more relevant to the Convention. Please refer to Annex V of Part Two (HKSAR) of the Tenth to Thirteenth Reports of the PRC under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) for a comprehensive response to the Programme of Action.

Subject area	Position
II. Victims of racism, racial discrimination, xenophobia and related intolerance	
<i>Migrants (paragraphs 24 to 33 of the Programme of Action)</i>	
Protection of human rights and fundamental freedoms	All migrants who enter Hong Kong in accordance with the law enjoy the same human rights protection as others (as detailed under Chapter IV of the Report), except insofar as they entail differences as between citizens and non-citizens per Articles 1(2) and 1(3) of ICERD.
Education on human rights of migrants	Efforts on human rights education, education against discrimination and civic education are outlined under paragraphs 496 to 498 of Chapter VII of the Report. See also the section on “Education and awareness-raising measures” below. Human rights education forms part and parcel of civic education and the CPCE continues to promote public understanding of human rights as and when suitable opportunities arise.

Subject area	Position
Family reunification	Most migration for settlement in Hong Kong originates from the Mainland of China. The situation and the services provided to facilitate those families in need is explained under paragraphs 186, 187, and 246 to 252 of the Report.
Access to health, education, and housing	The Government attaches great importance to the service needs of the deprived groups, including the immigrants in Hong Kong. All persons who have immigrated for settlement have access to health, education, housing and welfare services on the same terms as the majority population. Access to health services is open to all at highly subsidised rates. Twelve years of free education is provided by public sector schools. Access to public housing has to fulfil specified requirements, is means-tested and subject to a queuing system. Migrants who meet the eligibility criteria may apply on the same terms and conditions as anyone else. These are explained under various sections in Chapters VI and VII of the Report.
Protection against racial discrimination	The Hong Kong Bill of Rights Ordinance already prohibits all forms of discrimination – including racial discrimination - on the part of the Government and the public authorities. We have further, in July 2009, fully implemented the RDO to extend the scope of protection for individuals and to prohibit acts of racial discrimination by private persons, groups or organisations as well as by the Government. Please refer to paragraphs 93 to 97 in Chapter III of the Report.
<i>Refugees and other victims (paragraphs 34 to 57)</i>	
Refugees	The situation and our services in respect of refugee children are explained under paragraphs 525, 570 to 572 of the Report.

Subject area	Position
Protection of victims of trafficking	Hong Kong is neither a destination for human trafficking nor a place for exporting illegal migrants. Cases of trafficking are rare. Nonetheless, the Government offers the necessary protection for trafficking victims. Please refer to paragraphs 526 to 529 in Chapter VIII of the Report.
Best interest of the child in the provision of protection against racial discrimination	The best interests of the child are, as appropriate, considered in the formulation, delivery and development of policies and programmes that may affect them, including those designed to combat discrimination or to promote racial harmony. See paragraphs 93 to 97 of the Report on the legislation against racial discrimination, and paragraphs 22 and 23 on policy formulation and coordination in the HKSAR in general to take into account the best interest of the child.
Right of all children to the immediate registration of birth	Article 20(2) of the Hong Kong Bill of Rights provides that every child shall be registered immediately after birth and shall have a name. The Births and Deaths Registration Ordinance also provides for a child who is not named at the registration of birth to have his/her name inscribed on the register at a later time. Please refer to paragraph 152 of the Report on Article 7 of the Convention.
III. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels	
<i>Legislative, judicial, regulatory and other measures (paragraphs 58 to 91)</i>	
Measures to eradicate racial discrimination, combat trafficking in children, and to promote diversity	See paragraphs 93 to 97 of Part II of the Report on the legislation against racial discrimination, paragraphs 127 to 130 on administrative measures to promote racial harmony, and paragraphs 526 to 529 of the Report on human trafficking.

Subject area	Position
International and regional human rights instruments	The ICERD has applied to Hong Kong since 1969. It continues to apply to the HKSAR after the PRC resumed the exercise of sovereignty over Hong Kong on 1 July 1997. Reports on our performance under the ICERD form part of China's reports. All reports, as well as observations and recommendations by the Committee on the Elimination of Racial Discrimination are widely publicised. Our performance is also monitored by the LegCo, the media and the public.
Perpetrators of racist acts	Hong Kong is a peaceful and law-abiding society. Acts of racially motivated violence and other racially motivated crimes would be investigated and - where necessary - prosecuted under appropriate statutes, such as the Crimes Ordinance and the Offences Against the Persons Ordinance. Other acts of racial discrimination could be dealt with under the RDO.
Human rights institutions	The EOC is an independent, statutory body responsible for the implementation of anti-discrimination ordinances in Hong Kong, including the RDO. Our position on setting up a separate human rights institution is explained under paragraphs 24 to 27 in Chapter I of the Report.
<i>Policies and practices (paragraphs 92-116)</i>	
Statistical data	<p>Victims of racial discrimination rarely involve criminal cases in Hong Kong. With the full implementation of the RDO, statistical data such as number of complaints cases related to racial discrimination received, handled and taken to court by the EOC would be publicised.</p> <p>We closely follow the United Nations Manual on Human Rights Reporting and provide the statistical data as required by treaty monitoring bodies.</p>

Subject area	Position
<i>Education and awareness-raising measures (paragraphs 117 to 139)</i>	
<p>Cultural and educational programmes against racial-discrimination and promote respect for cultural diversity</p>	<p>Topics/themes aiming to enhance mutual understanding among all cultures and civilizations are included in the local school curriculum and infused through different subjects, such as General Studies at Primary level, Liberal Studies at the New Senior Secondary Level, and subjects of the Personal, Social and Humanities Education Key Learning Area at Secondary Level.</p> <p>There are clear and explicit guidelines for textbook publishers to adhere to the principle of no discrimination. The latest curriculum reform has emphasized the need for respecting others as priority in value education. Contents are updated in primary and secondary school curricula.</p> <p>According to the “Guiding Principles for Quality Textbooks”, a quality textbook should be without any bias in content, such as over-generalisation and stereotyping, and the content and illustrations should not carry any form of discrimination on the grounds of gender, age, race, religion, culture and disability etc., nor should they suggest exclusion. Textbooks that failed to meet the above and other criteria in the Guiding Principles will not be placed on the Recommended List for selection by schools.</p> <p>Schools are encouraged to organise various forms of educational activities to raise awareness against discrimination and related intolerance.</p> <p>With the implementation of the RDO, the EOC is entrusted with the function to promote equality of opportunity and harmony between persons of different racial groups.</p>

Subject area	Position
<p>Human rights education for young people and youth.</p>	<p>In the existing school curriculum, students are provided with ample opportunities to develop concepts and values in relation to human rights. Below are some examples –</p> <ul style="list-style-type: none"> • Education related to democratic citizenship is included in the school curriculum of Hong Kong (For example, in the subject General Studies for Primary Schools, there is a strand “Community and Citizenship”, which is designed to help students understand the rights and responsibilities of citizens and to arouse their sense of civic awareness. It includes education on the rights and responsibilities of Hong Kong residents according to the Basic Law.). • The strand of “Social Systems and Citizenship” in the Personal, Social and Humanities Education Key Learning Area is designed to promote secondary school students’ understanding of the concepts of rights and responsibilities, the intertwinement of local, national and global identities, as well as the interrelationship between social and political systems. <p>Students may also get acquainted with the concepts and values of human rights through other school activities, such as the class teacher periods, assemblies, talks, extra-curricular activities, discussion forums, debates, and visits etc.</p> <p>The CPCE promote civic education amongst the general public, including promotion of public understanding on human rights and the rule of law.</p>

Subject area	Position
Human rights education for public officials and professionals	<p>For public officials, the Government has produced a self-learning kit to enhance their knowledge and understanding on issues related to gender, race, disability and equal opportunities. Training programmes have also been organised to enhance public officials’ understanding on issues related to the Basic Law and the Bill of Rights.</p> <p>For disciplined services, relevant training on human rights have been designed and implemented by the disciplined services, including staff of the ImmD, the Police, the CSD and the Customs.</p> <p>Local tertiary institutes and non-government organisations have been commissioned to operate courses on human rights education for teachers to enhance their understanding and competency in dealing with human rights education. These courses include –</p> <ul style="list-style-type: none"> • Human Rights and Civic Education • Introduction to Basic Political Concepts • Equality and Human Rights Education • The Concept and Education of Human Rights • Human Rights in Hong Kong • Meanings and Impact of Globalization <p>The four publicly-funded tertiary institutions in Hong Kong providing teacher education have also been promoting the respect of diversity in classrooms and advising on ways of handling students with different background in their teacher training programmes.</p>

Subject area	Position
	<p>In respect of teachers’ professional development, the EDB organises professional development programmes with regard to human rights education, civic education, religious education and sex education from time to time to help teachers grasp better the core values and concepts, and help them develop relevant effective teaching strategies. An e-Learning Programme titled “Equal Opportunities Begin at School” has also been jointly developed by the EDB and the EOC.</p> <p>To facilitate schools to promote the education of these core values, the EDB has produced and uploaded related teaching resources onto its website for teachers’ easy reference.</p> <p>To enhance the awareness and knowledge of school leadership, the EDB has incorporated the component on “Equal Opportunities” in the professional development programmes for new primary and secondary principals.</p>
<i>Information, communication and the media, including new technologies (paragraphs 140 to 147)</i>	
Racism on media and the Internet	The RDO prohibits racial vilification, which involves incitement of hatred towards, serious contempt for, or severe ridicule of another person on the ground of the person’s race. We will continue to promote the message of anti-racial discrimination to all sectors.

Subject area	Position
IV. Provision of effective remedies, recourse, redress, and other measures at the national, regional and international levels	
<i>Legal assistance for victims and remedies (paragraphs 160 to 166)</i>	
Access to legal procedures	<p>All persons in Hong Kong with claims in law may seek assistance from the Legal Aid Department. If found eligible, legal aid - covering the cost of legal representation - will be provided. This would ensure that access to justice is not denied to persons of limited financial means.</p> <p>Also, while the EOC's approach to the handling of complaints is primarily conciliatory, it is empowered to provide legal assistance to victims of racial discrimination under the RDO.</p>
Effective and adequate remedies	<p>Under the RDO, the court may provide remedies to victims of racial discrimination, harassment and vilification. It may grant injunction and make orders under the law, e.g. for the respondent to cease the unlawful conduct or act, or to pay punitive or exemplary damages.</p>
V. Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance and follow-up	
Developing harmonious societies and protecting the identities of minorities	<p>We are committed to promoting racial harmony. We have established the Committee on the Promotion of Racial Harmony and the Ethnic Minorities Forum to foster communication and cooperative participation. Article 39 of the Basic Law stipulates that the provisions of ICCPR as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR. Article 27 of the ICCPR protects the right of ethnic minorities to enjoy their own culture and use their own language. This is implemented through Article 23 of the Hong Kong Bill of Rights under section 8 of the Hong Kong Bill of Rights Ordinance</p>

Subject area	Position
	(Cap. 383).
Participation of youth to fight racial discrimination	The Government will continue to work closely with the Commission on Youth, the CPCE and other related organisations to promote social participation of youth through various programmes and activities.

Definitions of various forms of disability of students requiring additional support services

(A) Physical Disability

A person with physical disabilities is defined as a person who has disabilities of orthopaedic, musculoskeletal, or neurological origin which may affect locomotor functions, and constitute a disadvantage or restriction in one or more aspects of daily living activities.

(B) Visual Impairment

Total blindness: No visual function, i.e. no light perception.

Low vision: which comprises three categories –

- (a) severe low vision: Visual acuity (refers to the visual acuity of the better eye with correcting glasses) of 6/120 or worse, or constricted visual field with the widest field diameter subtends an angular subtense of 20 degrees or less, (irrespective of the visual acuity);
- (b) moderate low vision: Visual acuity from 6/60 to better than 6/120; and
- (c) mild low vision: Visual acuity from 6/18 to better than 6/60.

(C) Hearing Impairment

Degree of Hearing Impairment	Definition
(a) Profound	Hearing threshold greater than 90 dB
(b) Severe	Hearing threshold from 71 to 90 dB
(c) Moderately Severe	Hearing threshold from 56 to 70 dB
(d) Moderate	Hearing threshold from 41 to 55 dB
(e) Mild	Hearing threshold from 26 to 40 dB
(f) Normal	Hearing threshold up to 25 dB

(D) Intellectual Disability

Intellectual disability is a condition with the following features:

- (a) significantly sub-average intellectual functioning: an intelligence quotient (IQ) of approximately 70 or below on an individually administered IQ test (for infants, a clinical judgement of significantly sub-average intellectual functioning);
- (b) concurrent deficits or impairments in present adaptive functioning (i.e. the person's effectiveness in meeting the standards expected for his/her age by his/her cultural group) in at least two of the following skill areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety; and
- (c) onset before the age of 18.

(E) Autism

Autism is a pervasive developmental disorder and frequently co-exists with a variety of other disabilities. In Hong Kong, children suffering from autistic disorder are diagnosed under the following criteria as laid down in the World Health Organisation's International Classification of Diseases, 10th edition:

- (a) qualitative impairments in reciprocal social interaction;
- (b) qualitative impairments in verbal and non-verbal communications;
- (c) restricted, repetitive and stereotyped patterns of behaviour, interests and activities; and
- (d) developmental abnormalities which are apparent in the first three years of life.

(F) Attention Deficit/Hyperactivity Disorder

Children and adolescents with Attention Deficit/Hyperactivity Disorder usually have the following three symptoms: inattentiveness, hyperactivity and weak impulse control. These lead to chronic difficulties in social life, learning and work. These symptoms cannot be explained by any other objective factors and psychiatric conditions and are not meeting with the standards expected for a child's intellectual ability or stage development. They are generally regarded as being related to brain dysfunction.

(G) Specific Learning Difficulties

Specific Learning Difficulties generally refer to difficulties in reading and writing (dyslexia), motor coordination disorder, specific dysphasia, etc., and the most common type is dyslexia. Dyslexia is not caused by mental deficiency, sensory impairment or the lack of learning opportunities. It is generally regarded as something relating to brain dysfunction. As a result of persistent and serious learning difficulties in reading and writing, persons with Specific Learning Difficulties are unable to read and spell/write accurately and fluently.

In general, dyslexia can be improved through appropriate accommodations in teaching methods, tests and assessments, as well as proper use of information technology. The findings of overseas researches indicate that early identification and intervention for students with dyslexia can effectively improve their literacy skills.

(H) Speech and Language Impairment

Persons with speech and language impairment are those who cannot communicate effectively with others, or whose speech difficulty draws undue attention to their speech acts to such an extent that affects their academic, emotional and social developments.

(The above definitions are adapted from "Hong Kong Rehabilitation Programme Plan 2005-2007")

**Sexual offence provisions that have extra-territorial effect
under Schedule 2 of the Crimes Ordinance (Cap. 200)**

Section	Offence
118	Rape
118A	Non-consensual buggery
118B	Assault with intent to commit buggery
118C	Homosexual buggery with or by man under 21 ¹
118D	Buggery with girl under 21
118F	Homosexual buggery committed otherwise than in private ¹
118G	Procuring others to commit homosexual buggery
118H	Gross indecency with or by man under 21 ¹
118J	Gross indecency by man with man otherwise than in private ¹
118K	Procuring gross indecency by man with man
119	Procurement by threats
120	Procurement by false pretences
121	Administering drugs to obtain or facilitate unlawful sexual act
122	Indecent assault
123	Intercourse with girl under 13
124	Intercourse with girl under 16
126	Abduction of unmarried girl under 16
130	Control over persons for purpose of unlawful sexual intercourse or prostitution
132	Procurement of girl under 21
134	Detention for intercourse or in vice establishment
135	Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl or boy under 16
140	Permitting girl or boy under 13 to resort to or be on premises or vessel for intercourse

¹ The Court has ruled that s. 118C and s. 118H (both to the extent that they apply to a man aged 16 or over and under 21) as well as s. 118F(1), s. 118F(2)(a) and s. 118J(2)(a) are unconstitutional. The LRC has set up a Sub-committee to review the common and statute law governing sexual and related offences, including homosexual offences. The Administration will consider any recommendations to be made by the Commission as a result of the review. In the interim, the prosecution would take into account the above judgments and the circumstances of each individual case when considering charges on those sexual offences.

Section	Offence
141	Permitting young person to resort to or be on premises or vessel for intercourse, prostitution, buggery or homosexual act
146	Indecent conduct towards child under 16

Rehabilitation Centres
(Rehabilitation Centres Ordinance (Cap. 567))

Age: 14 to 21 years

Length of sentence: First Stage: two to five months (residential)
Second Stage: one to four months (half-way house)

Institutional programme(s)

- counselling programmes, psychological services, vocational training, high standard of discipline, Adventure-Based Counselling Programme

Aim(s)

- to instil respect for the law
- to develop self reflection
- to raise awareness of rehabilitative needs
- to integrate into society

Review

Monthly Board of Review chaired by Senior Superintendent of the CSD

Release

Upon Board's satisfaction with inmate's institutional performance and the inmate securing suitable employment or a place in school

Post-institutional statutory supervision

One year, monitored by rehabilitation officers

Breach of Supervision Order

May be recalled for further detention until the expiry of nine months from first admission or three months from recall, whichever is the later.

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